

## **ADMINISTRATIVE PANEL DECISION**

Holding Le Duff “HLD” v. alex brandon  
Case No. D2025-2413

### **1. The Parties**

The Complainant is Holding Le Duff “HLD”, France, represented by Scan Avocats AARPI, France.

The Respondent is alex brandon, Indonesia.

### **2. The Domain Name and Registrar**

The disputed domain name <clubbriochedoree.com> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 18, 2025. On June 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 20, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 30, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on July 7, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on July 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 29, 2025.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on August 4, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### 4. Factual Background

The Complainant, Holding Le Duff “HLD”, known as the Group Le Duff, which was established in 1976, is specialized in restaurants and bakeries worldwide. It is currently the leader in the international bakery café market. It has over 1,250 restaurants and bakeries in 100 countries worldwide and serves around 1,000,000 customers daily. The Complainant’s BRIOCHE DOREE brand operates over 500 restaurants worldwide and serves 300,000 customers daily.

The BRIOCHE DOREE trademarks are used on the Complainant’s websites, notably “[www.briochedoree.com](http://www.briochedoree.com)” and on its business documents for many years. They are also reproduced on its commercial buildings. The strong reputation of the Complainant’s BRIOCHE DOREE trademarks has been confirmed notably in a decision *Holding Le Duff “HLD” v. Jean-Marie Lachance*, WIPO Case No. [D2022-1771](#), concerning the domain name <briochedoree-group.com>.

The Complainant is notably the owner of the following registered trademarks that it uses:

- International trademark LA BRIOCHE DOREE registration No. 512743 registered on June 15, 1987 (duly renewed) in classes 30 and 42;
- European Union trademark BRIOCHE DOREE registration No. 003637022 filed on January 29, 2004 and registered on April 26, 2005 (duly renewed) in classes 29, 30 and 43;
- European Union trademark BRIOCHE DOREE registration No. 003615184 filed on January 13, 2004 and registered on June 10, 2005(duly renewed) in classes 29, 30 and 43;
- European Union trademark LA BRIOCHE DOREE registration No. 1424290 filed on December 15, 1999 and registered on November 27, 2000 in classes 29, 30 and 42;
- French trademark registration BRIOCHE DOREE No. 3256946 filed on November 14, 2003 and registered on April 16, 2004 in classes 29, 30 and 43;
- United States of America word trademark BRIOCHE DOREE registration No. 2900374 filed on December 4, 2002 and registered on November 2, 2004 (duly renewed) in classes 30, 35 and 43;
- United States of America word trademark BRIOCHE DOREE registration No. 3059278 filed on March 3, 2003 and registered on February 14, 2006 (duly renewed) in class 35.

The disputed domain name was registered on December 9, 2008.

According to the Complaint, the disputed domain name redirects to a website reproducing the AMAZON trademarks on an online gaming platform in Indonesian language.

The Panel tried to access the disputed domain name and obtained the following error message from Google Chrome: “Dangerous site. Attackers on the site you tried visiting might trick you into installing software or revealing things like your passwords, phone, or credit card numbers. Chrome strongly recommends going back to safety. Learn more about this warning.”

## **5. Parties' Contentions**

### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

### **B. Respondent**

The Respondent did not reply to the Complainant's contentions.

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy provides that the Complainant must prove each of the following elements with respect to each disputed domain name:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The burden of proof of each element is borne by the Complainant. The Respondent's default does not by itself mean that the Complainant is deemed to have prevailed. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.3.

### **A. Identical or Confusingly Similar**

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the BRIOCHE DOREE mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms like "club" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

### **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegal activity like distributing malware can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that:

- The Complainant’s BRIOCHE DOREE trademarks has been used in commerce since 1976;
- The domain name <briochedoree.com> was registered in 2003 by the Complainant.
- Previous UDRP panels have already positively assessed the reputation of BRIOCHE DOREE (see *Holding Le Duff “HLD” v. Lahcen Ait Imijja*, WIPO Case No. [D2015-0858](#); *Holding Le Duff “HLD” v. Sarah Hampton*, WIPO Case No. [DCO2021-0007](#), etc.). For all these reasons, the Panel agrees that the trademark BRIOCHE DOREE enjoys a reputation.

The Respondent concealed his identity when registering the disputed domain name, using a Whois Privacy Protection Service, and the Center’s Written Notice was not able to be delivered to the Respondent due to bad address;

With regard to the bad faith registration of the disputed domain name, it is indisputable that the choice of the disputed domain name, which reproduces in its entirety the Complainant’s trademark BRIOCHE DOREE, was not deliberate, and that the Respondent was therefore aware of the Complainant’s rights in that mark. (see *Holding Le Duff “HLD” v. Lahcen Ait Imijja*, WIPO Case No. [D2015-0858](#)).

In sum, the Panel is of the idea that the registration of the disputed domain name without the authorization of the trademark owner constitutes, per se, evidence of bad faith, given that the trademark BRIOCHE DOREE is a well-known and widely recognized mark. There is no conceivable legitimate use that the Respondent could make of the disputed domain name, as composed, other than to trade off the goodwill and reputation associated with the Complainant’s trademark.

When the Respondent registered the disputed domain name, it was well aware of the Complainant and of its trademark.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The Respondent's redirection of the disputed domain name to a third party website purportedly offering gambling services constitutes bad faith under paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for illegal activity like distributing malware can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 3.4.

The Panel finds that the Complainant has established the third element of the Policy.

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <clubbriochedoree.com> be transferred to the Complainant

*/Pablo A. Palazzi/*

**Pablo A. Palazzi**

Sole Panelist

Date: August 18, 2025