

ADMINISTRATIVE PANEL DECISION

BACCARAT SA v. Nikunj Bajaj

Case No. D2025-2977

1. The Parties

The Complainant is BACCARAT SA, France, represented by MEYER & Partenaires, France.

The Respondent is Nikunj Bajaj, India, represented by Legpragmatism Intellectual Services, India.

2. The Domain Name and Registrar

The disputed domain name <baccaratstudios.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 July 25, 2025. On July 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 28, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on July 31, 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 August 6, 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 August 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 26, 2025. The Response was filed with the Center on August 26, 2025.

The Center appointed Jeremy Speres as the sole panelist in this matter on September 1, 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. The Panel issued Procedural Order No. 1 on September 24, 2025, requesting that the Respondent clarify

its claims regarding rights and legitimate interests by September 28, 2025, and giving the Complainant an opportunity to respond by October 2, 2025. No response from either Party was received by the deadlines.

4. Factual Background

The Complainant, founded in 1764, produces and sells crystal glassware under the BACCARAT mark. Several UDRP decisions have acknowledged that the BACCARAT mark is well known. See, for example, *Baccarat SA v. CR Galleries*, WIPO Case No. [D2009-0378](#).

The Complainant's mark is registered in many jurisdictions, including Indian Trademark Registration No. 1421300 BACCARAT, registered on February 14, 2006, in classes 3, 20, 24, 41, and 42.

The disputed domain name was registered on June 5, 2025, and currently resolves to a website prominently entitled "BACCARAT STUDIOS" followed by the words "Elevate Your Style" accompanied by a photograph of mannequins adorned with women's clothing.

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.

Notably, the Complainant contends that the disputed domain name was registered and has been used in bad faith in order to take advantage of confusion with the Complainant's well-known mark for the Respondent's commercial gain.

B. Respondent

The Respondent contends that they have rights and legitimate interests in the disputed domain name because they have been operating in the field of "photography, creative studio, design & digital content services" under the business name "Baccarat Studios" for one month, and the word "baccarat" is not the exclusive property of the Complainant given that it is also used as the name of a popular card game.

6. Discussion and Findings

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[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 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, here "studios", 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 Complainant’s mark is well known and the disputed domain name is confusingly similar to it. As discussed below in relation to bad faith, the composition of the disputed domain name and its use point to targeting of the Complainant.

The Respondent claims rights and legitimate interests in the disputed domain name based on use for purposes of a claimed legitimate business and flowing from the claimed descriptive nature of the word “baccarat”. The Response, however, contains no evidence in support of these claims. The website to which the disputed domain name resolves does not evidence any active use for purposes of a business. No contact details are provided. No products or services are offered. Furthermore, the website does not appear to be used for any descriptive or generic purpose associated with the word “baccarat”.

The Respondent was given an additional opportunity to present evidence supporting its claimed rights and legitimate interests in Procedural Order No. 1. The fact that the Respondent did not take up this opportunity suggests that the Respondent cannot support its claims in this regard.

As such, the Respondent has failed to meet its burden of production under the second element, and 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.

For the following reasons, the Panel finds that it is more likely than not that the Respondent registered and has used the disputed domain name to take advantage of confusion with the Complainant’s mark for the Respondent’s commercial gain, falling squarely within paragraph 4(b)(iv) of the Policy.

UDRP panels have consistently found that registration of a domain name that is confusingly similar to a famous or well-known trademark by an unaffiliated entity, as in this case, can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

The Respondent does not deny prior knowledge of the Complainant’s well-known mark in their Response. In accordance with its powers of independent research articulated inter alia in paragraphs 10 and 12 of the Rules, the Panel has established that the Complainant offers its goods for sale in India – the Respondent’s purported location – online and via a retail outlet. Given the international fame of the Complainant’s mark

and the Complainant's presence in the Respondent's jurisdiction, it is thus quite plausible that the Respondent was aware of the Complainant's mark when it registered and used the disputed domain name.

The Complainant's evidence establishes that it has used its mark for hotels and apartments in various countries, and the word "studios" as incorporated within the disputed domain name bears some relation to this, as a synonym for "apartments". The Complainant's evidence also establishes that it is known for the distinctive design and style of its products and its relationship with well-known designers. The Respondent's use of the disputed domain name ostensibly for a "creative studio" and "design" purposes, as well as the composition of the disputed domain name featuring "studios", again bears some relation to the Complainant's business and the repute of its mark. This points to an intention on the Respondent's part to take advantage of the Complainant's reputation. [WIPO Overview 3.0](#), section 3.2.1.

The Respondent has failed to provide any evidence whatsoever supporting its explanation of its registration and use of the disputed domain name, despite being given two opportunities to do so. This points to bad faith. [WIPO Overview 3.0](#), section 3.1.1.

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 <baccaratstudios.com> be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: October 12, 2025