

ADMINISTRATIVE PANEL DECISION

Baccarat SA v. Williamsa Patricia
Case No. D2025-3091

1. The Parties

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

The Respondent is Williamsa Patricia, United States of America ("US").

2. The Domain Name and Registrar

The disputed domain name <designbaccarat.com> is registered with Gname.com Pte. Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 4, 2025. On August 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 6, 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 (Redacted for privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 8, 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 amendment to the Complaint on August 8, 2025.

The Center verified that the Complaint together with the amendment to the 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 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 3, 2025.

The Center appointed Jacques de Werra as the sole panelist in this matter on September 10, 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, formerly known as the COMPAGNIE DES CRISTALLERIES DE BACCARAT, is a world-famous French manufacturer of crystal wares since 1764.

The Complainant is the holder of many trademarks across the world, including the following trademarks (“the Trademarks”):

- US word trademark registration number no. 1130893 for the trademark BACCARAT, registered on February 12, 1980;
- US word and design trademark serial number no. 73259517 for BACCARAT, registered on June 29, 1982; and
- International word and design trademark BACCARAT no. 571155, registered on June 10, 1991, protected in numerous jurisdictions.

The Complainant operates its main web portal located at “www.baccarat.com” and many other domain names. The Complainant has launched numerous collaborations with renowned designers which have resulted in original and exceptional creations and collections as illustrated on its official website at “www.baccarat.com/en_fr/creations/designers”.

The dispute domain name was registered on July 4, 2025. It resolves to a commercial website that offers for sale the same products as the ones sold by the Complainant at highly discounted prices along with competing third-party products, and on which the Complainant’s logo (as reflected in the two above Trademarks) is reproduced, although in a different colour. In addition, the terms and conditions displayed on the website at the disputed domain name refer to “Baccarat” as the entity operating the website (by stating “this website is operated by Baccarat”). The website further features photographs of the Complainant’s original products the use of which has not been authorized by the Complainant.

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 is confusingly similar to its pre-registered well-known trademark BACCARAT (and thus to the Trademarks).

The Complainant further claims that the Respondent should be considered as having no rights or legitimate interests in respect of the disputed domain name. The Respondent is not sponsored by or affiliated or licensed with the Complainant in any way. The Complainant has not given to the Respondent or to anyone else the permission to use its trademarks in any manner, including in domain names. The Respondent is not known and has never been known under the name “BACCARAT” or “DESIGN BACCARAT”. Further, the website that is associated to the disputed domain name falsely reinforces the risk of affiliation as it is a commercial website that offers for sale the same products that the Complainant’s and that a reproduction of the Complainant’s logo is present on this website. The “Terms and Conditions” displayed on the disputed domain name website make believe that the website is run by a company named “Baccarat”, which is evidence of deliberate creation of confusion.

The website attached to the disputed domain name reproduces on the top of each page the figurative trademark (subject to the above Trademarks) and photographs of the Complainant’s original products on

which the Complainant owns the copyright and the use of which has not been authorized by the Complainant.

The Complainant further claims that the Respondent registered the disputed domain name in bad faith particularly because the Respondent was necessarily aware of the Trademarks at the time it registered the disputed domain name on July 4, 2025. The Respondent further uses the disputed domain name in bad faith because (among various claims) the Respondent is engaged in a conduct that deceives Internet users searching for the Complainant's official items that are sold under the Trademarks. The Respondent disrupts the Complainant's business and unfairly competes with the Complainant by using the disputed domain name to advertise/offer unauthorized non-branded products and to deceive the users that would expect to buy BACCARAT products on the disputed domain name.

B. Respondent

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

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.

Although the addition of another term – here “design” - 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.

Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy.

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.

In this case, the Panel notes that the Respondent is using the disputed domain name in connection with a website that sells products that replicate the Complainant's official products at highly discounted prices along with competing third-party products and on which website the Respondent has reproduced the graphical element of the Trademarks as well as official pictures of the Complainant's products. The terms and conditions of the website associated with the dispute domain name further refer to "Baccarat" as the name of the company apparently operating the website.

The Panel takes the view that the products sold under the BACCARAT Trademark on the website associated with the disputed domain name are not genuine products because of their highly discounted price by comparison to the Complainant's official products and likely are counterfeit. However, it is not necessary for the Panel to make any ultimate determination as to the nature of the goods, as the evidence clearly shows the Respondent has attempted to pass itself off as the Complainant also considering the lack of a prominent and accurate disclaimer regarding the relationship between the Complainant and the Respondent on the website.

The Panel further notes that the "Terms and Conditions" of the website at the disputed domain name (to which the Complainant has referred in its complaint) contain the following statement: "Baccarat is not responsible or affiliated with selling or misleading customers to purchase products that are not as described. We are not affiliated with any other company and their affiliated trademarks, copyrights, patents, and products." The presence of this vague disclaimer does not render the Respondent's activities bona fide under the Policy, noting that the disclaimer is not prominent, and it does not change the general impression of impersonation of the Complainant resulting from the website associated with the disputed domain name. Panels have held that the use of a domain name for illegitimate activities - here impersonation/passing off - 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 Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark.

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 panel notes with respect to the registration of the disputed domain name that the term "design" that precedes the BACCARAT Trademark in the disputed domain names is associated with the Complainant's activities given that the Complainant has cooperated with multiple designers for creating its products and thus, coupled with the use of the disputed domain name, confirms that the Respondent had in mind the Complainant and the Trademarks when registered the disputed domain name.

Panels have held that the use of a domain name for illegitimate activities - here the impersonation/passing off - constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <designbaccarat.com> be transferred to the Complainant.

/Jacques de Werra/

Jacques de Werra

Sole Panelist

Date: September 24, 2025.