

ADMINISTRATIVE PANEL DECISION

Baccarat SA v. 闫根锁(gensuo yan)

Case No. D2025-3519

1. The Parties

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

The Respondent is 闫根锁 (gensuo yan), China.

2. The Domain Name and Registrar

The disputed domain name <baccarat-eu.shop> (the “Disputed Domain Name”) is registered with Chengdu West Dimension Digital Technology Co., Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on August 29, 2025. On September 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 2, 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 September 2, 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 in English on September 9, 2025.

On September 2, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the Disputed Domain Name is Chinese. On September 9, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on September 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 1, 2025.

The Center appointed Kar Liang Soh as the sole panelist in this matter on October 7, 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 is a French company that has engaged in the manufacturing of crystal wares since 1764. It operates a website under the domain name <baccarat.com> featuring an online shop for its products. According to the website, the Complainant's products have received significant acclaim, with customers ranging from royalty to celebrities across various jurisdictions. The Complainant's products are available in over 630 locations throughout the world including the United States of America and China.

The Complainant owns many trademark registrations for its name BACCARAT (the "BACCARAT Trademark") around the world, including:

Jurisdiction	Registration No.	Registration Date
International	433949	November 10, 1977
China	162228	September 15, 1982
China	162229	September 15, 1982

The Complainant registered the domain name <baccarat.com> on June 29, 1995. The website resolved from the domain name contains information about the Complainant history, its products, and stores and showroom locations worldwide. The Complainant also holds numerous other domain names which redirect to its main website, including <baccaratshop.com> and <baccaratstore.com>. In addition, the website contains 20 region-specific portals. The website incorporates a prominent header banner depicting a stylized format of the BACCARAT Trademark in red (the "Stylized Mark") sandwiched between a horizontal scrolling message and a horizontal menu bar (the "Header Banner"). To the left of the Stylized Mark in the Header Banner is a search box. To the right of the Stylized Mark in the Header Banner are a user icon and a shopping cart icon.

The BACCARAT Trademark has been the subject of several past domain name disputes which found it to be well known (*Baccarat S.A. v. Travis Hawkins, ETL*, WIPO Case No. [D2006-1657](#); *Baccarat SA v. Vine and Weaver*, WIPO Case No. [D2010-0540](#); *Baccarat SA v. Ichiro Watanabe*, WIPO Case No. [D2010-1493](#); *Baccarat SA v. Sprout Ltd., Mamoru Shiga*, WIPO Case No. [D2010-1694](#)).

The Respondent is an individual based in China. Very little information about the Respondent is available in the proceeding. The Respondent's email address is listed as the contact for at least 100 domain names on a reverse Whois lookup search provided by the Complainant. The Respondent's name also corresponded to that of a respondent in a domain name dispute under the Policy involving nine domain names which was determined in favour of the complainant (*Fabbrica d'Armi Pietro Beretta S.p.A. v. yan gensuo, chen sheng*, CAC Case No. CAC-UDRP-107556).

The Disputed Domain Name <baccarat-eu.shop> was registered on July 24, 2025. Sometime before the Complaint was filed, the Disputed Domain Name resolved to a website offering crystal wares for sale at heavily discounted prices. This website incorporated a white header banner depicting the Stylized Mark sandwiched between a horizontal message and a horizontal menu bar with a search box on the left and a user icon and shopping cart icon on the right. The positions, designs, colors and typefaces of these various elements correspond to that of the Header Banner. The page heading of the website contained the words "Colors of Joy | Baccarat Ireland".

At the time of filing of the Complaint, the Disputed Domain Name resolved only to a holding page with the plain text “B***T This store is under construction.”

5. Parties’ Contentions

A. Complainant

The Complainant contends that:

- a) the Disputed Domain Name is confusingly similar to the trademarks in which the Complainant has rights. The BACCARAT Trademark is entirely reproduced in the Disputed Domain Name. The addition of the suffix “-eu” does not negate the confusing similarity.
- b) the Respondent has 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 the Respondent the permission to use its trademarks including in domain names. The Respondent is not known under the name “Baccarat” or the Disputed Domain Name. The false suggestion by the website resolved from the Disputed Domain Name that it and the Disputed Domain Name are affiliated with the BACCARAT Trademark cannot be considered fair use or legitimate use. The resolution of the Disputed Domain Name to a holding page is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the Disputed Domain Name.
- c) The Disputed Domain Name was registered and is being used in bad faith. The BACCARAT Trademark has a strong reputation and is widely known for a long time throughout the world. The BACCARAT Trademark is registered in China since 1980s. The Respondent could not have ignored the well-known BACCARAT Trademark at the time of registering the Disputed Domain Name. The website resolved from the Disputed Domain Name imitated the Complainant’s website by adopting the Stylized Mark, and photographs and materials which the Complainant has rights and taken from the Complainant’s website without the Complainant’s authorization. The Respondent is pretending to pass off and to override the Complainant’s reputation in order to intentionally attempt to attract, for commercial gain, Internet users to the website resolved from the Disputed Domain Name by creating a likelihood of confusion with the Complainant’s marks.

B. Respondent

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

6. Discussion and Findings

6.1 Language of the Proceeding

The language of the Registration Agreement for the Disputed Domain Name is Chinese. Accordingly, the default language of the proceeding should be Chinese. However, under paragraph 11(a) of the Rules, the Panel is empowered to determine a different language of the proceeding having regard to the circumstances.

Having done so pursuant to the Complainant’s request, the Panel determines that English shall be the language of the proceeding. In making this determination, the Panel has considered the following factors:

- a) The Respondent has not commented on the language of the proceeding, and has chosen not to participate in the proceeding by not filing a Response in Chinese or English;

- b) The Disputed Domain Names previously resolved to a website that is wholly in English, demonstrating the Respondent's likely competence in the English language;
- c) The Complainant's representative has informed that the proceeding in Chinese will result in considerable costs and time to translate the Complaint;
- d) The Complaint has already been submitted in English and no obvious procedural benefit would arise should the Panel insist on Chinese being the language of the proceeding. On the contrary, doing so at such an advanced stage of the proceeding would in all likelihood delay the proceeding unnecessarily; and
- e) The Panel is bilingual in English and Chinese, and is well-equipped to deal with submissions by the Parties in either language.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Discussion

A. Identical or Confusingly Similar

The Panel accepts that the Complainant has rights in the BACCARAT Trademark by virtue of the trademark registrations. There is no doubt that the Disputed Domain Name incorporates the BACCARAT Trademark entirely. The Disputed Domain Name contains a suffix "-eu" which is clearly a descriptive geographical reference to "Europe".

According to section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), UDRP panels have established that domain names which incorporate the entirety of a trademark will normally be considered confusingly similar to the trademark for purposes of the first element of paragraph 4(a) of the Policy. The present case does not present any unusual circumstances which require the Panel to depart from this guideline. The Panel is of the view that the addition of the suffix "-eu" does not prevent a finding of confusing similarity between the Disputed Domain Name and the BACCARAT Trademark.

As for the ".shop" generic Top-Level Domain ("gTLD") of the Disputed Domain Name, section 1.11 of the [WIPO Overview 3.0](#) has established a consensus that gTLDs should be disregarded in considering the first limb of paragraph 4(a) of the Policy irrespective of the particular gTLD, including the new gTLDs such as ".shop". The Panel agrees that the gTLD ".shop" does not impact the assessment of confusing similarity and finds the Disputed Domain Name confusingly similar to the BACCARAT Trademark. The first limb of paragraph 4(a) of the Policy is thus established.

B. Rights or Legitimate Interests

There is no evidence before the Panel to suggest that the Respondent is commonly known by the Disputed Domain Name or that the Respondent owns any trade mark rights in the Disputed Domain Name. Nothing before the Panel indicates that the Disputed Domain Name was being used by the Respondent in connection with a bona fide offering of goods or services or the Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Name. The Complainant has also confirmed categorically that the Respondent is neither affiliated, authorized nor licensed by the Complainant in relation to BACCARAT Trademark in any way, or to apply for registration of the Disputed Domain Name.

Accordingly, the Panel is satisfied that the facts present a prima facie case that the Respondent does not have rights or legitimate interests in the Disputed Domain Name. In the absence of a Response which could demonstrate any right or legitimate interest of the Respondent in respect of the Disputed Domain Name, the prima facie case has not been rebutted. Therefore, the Complainant has successfully established the second limb of paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b)(iv) identifies the following as a non-exhaustive situation of bad faith registration and use of a domain name:

“by using the domain name, [the respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the respondent’s] web site or other on-line location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [the respondent’s] web site or location or of a product or service on your web site or location.”

Based on the evidence submitted, the Panel agrees with the past panels in *Baccarat S.A. v. Travis Hawkins*, ETL, WIPO Case No. [D2006-1657](#), *Baccarat SA v. Vine and Weaver*, WIPO Case No. [D2010-0540](#), *Baccarat SA v. Ichiro Watanabe*, WIPO Case No. [D2010-1493](#), and *BACCARAT SA v. Sprout Ltd., Mamoru Shiga*, WIPO Case No. [D2010-1694](#) that the BACCARAT Trademark is well known. It is very telling from the unequivocal mimicry of the design of the Complainant’s website (down to the minutiae of the Stylized Mark, the Header Banner layout, the menu typeface and icons) that the Respondent must have painstakingly studied the Complainant’s website to develop the website resolved from the Disputed Domain Name. The Panel finds it extremely implausible that the Respondent could have possessed anything less than an intimate awareness of the Complainant and the BACCARAT Trademark at the time of registering the Disputed Domain Name.

The evidence shows that the website resolved from the Disputed Domain Name offered crystal wares under the BACCARAT Trademark (undoubtedly for commercial gain), the same type of products that the Complainant has been manufacturing and offering for sale for over 200 years under the BACCARAT Trademark. It is very clear to the Panel that the Respondent had intentionally adopted and used the Disputed Domain Name by reference to the BACCARAT Trademark and the Complainant’s website to attract, for commercial gain, Internet users to the website resolved from the Disputed Domain Name by creating a likelihood of confusion with the BACCARAT Trademark as to the source, sponsorship, affiliation, or endorsement of the website and the products on the website.

Accordingly, the Panel is convinced that the Disputed Domain Name was indeed registered and is being used in bad faith in the manner outlined in paragraph 4(b)(iv) of the Policy. The change of the website resolved from the Disputed Domain Name to a plain holding page does not change the Panel’s conclusion that the Disputed Domain Name was registered and is being used in bad faith.

Therefore, the Complainant has successfully established the third limb of paragraph 4(a) 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 <baccarat-eu.shop> be transferred to the Complainant.

/Kar Liang Soh/

Kar Liang Soh

Sole Panelist

Date: November 2, 2025