

ADMINISTRATIVE PANEL DECISION

B&B HOTELS v. Jeffrey Harper

Case No. D2025-3526

1. The Parties

The Complainant is B&B HOTELS, France, represented by Fiducial Legal By Lamy, France.

The Respondent is Jeffrey Harper, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <bbhotelmarseille.link> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 1, 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 1, 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 (Administrator Domain, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 1, 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 September 5, 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 September 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 28, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 1, 2025.

The Center appointed Mireille Buydens as the sole panelist in this matter on October 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 is a French company offering hotel services (860 hotels worldwide) and related booking services, under the BB HOTEL and B&B HOTELS brands (hereafter “the B&B HOTELS/BBHOTEL Trademark” or “the Trademarks”). Incorporated in 1990, the Complainant claims to have used the Trademarks for its operations since that time.

The Complainant owns a portfolio of trademark registrations, including the following trademarks:

- European Union trademark registration no. 004767323, for B&B HOTELS (word and figurative), registered on December 12, 2006;
- French trademark registration no. 3182311 for BBHOTEL (word), registered on August 29, 2002;
- French trademark registration No. 3394439 for B&B HOTELS (word and figurative), which was registered on May 19, 2005; and
- United Kingdom trademark registration no. UK009004767323 for B&B HOTELS (word and figurative), registered on December 12, 2006.

The Complainant claims that it also owns and operates various domain names consisting in the elements “bb” and “hotel(s)” combined, including e.g. <bb-hotels-group.com>, <bbhotels.com>, <bb-hotels.eu>, <bbhotel.online>, and <bb-hotel.uk> (all registered before the registration of the disputed domain name).

The disputed domain name was registered on July 11, 2025. At the time of the filing of the Complaint, it directs to a website which appears at first sight to be the one of a hotel located in Marseille, France. The Complainant therefore sent a cease and desist letter to the email address indicated on the website under the disputed domain name and by registered letter to the postal address of the hotel on August 26, 2025. The email was not delivered successfully but the postal letter was received and the hotel’s manager answered on August 27, 2025 to have never registered or use, nor authorized to register or use the disputed domain name, to have no link with the website under it and to be willing to fully cooperate with 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 B&B HOTELS and BBHOTEL Trademarks. Concerning the confusing similarity with the B&B HOTELS Trademark, it contends that, as the use of the symbol “&” is not possible on the Internet in a domain name, Internet users are familiar with the fact that ampersands are not used in Internet addresses and can be ignored when typing the Internet address. Internet users looking for the Complainant will thus type “bb hotel”. The Complainant asserts that disputed domain name reproduces the Complainant’s Trademark in its entirety. The only difference is the addition of the name of the French city of “marseille” after “bbhotel”, which reinforces the confusing similarity as the Complainant owns 14 hotels in Marseille.

Second, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not licensed nor authorized the Respondent in any way to use the Trademarks and/or register the disputed domain name. The Respondent is not known for using or exploiting, in any manner whatsoever, the sign “bbhotelmarseille”. On the contrary, the disputed domain name directs to a fraudulent website for the a third party hotel, which appears on the website under the disputed domain name as the company allegedly operating it; however, the Complainant has received confirmation from the hotel’s manager that the hotel has nothing to do with such website and was not aware of the registration and use of the disputed domain name. The website to which the disputed domain name resolves suggests an affiliation with the Complainant and is intended to mislead Internet’s users into thinking that they have reached a website linked to the Complainant.

The Complainant finally contends that the Respondent registered and uses the disputed domain name in bad faith. The Respondent was aware of the existence of the Complainant’s Trademarks at the time of registration of the disputed domain name considering the fact that the Complainant had registered and used its Trademarks for decades, and the B&B HOTELS Trademark is well-known and refers to a famous hotel chain in France and in Europe. It is not possible to conceive any plausible circumstance in which the Respondent could legitimately use the disputed domain name. The disputed domain name directs to a fraudulent website, which passes itself off as being the official website of the third party hotel. Therefore, the Respondent is using the disputed domain name with the intention to attract, for commercial gain, Internet users to a fraudulent website by creating a likelihood of confusion with the Complainant’s Trademarks as to the source, sponsorship, affiliation, or endorsement of its website, which constitutes registration and use in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

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 prove each of the following three elements in order to succeed in its Complaint:

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

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.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the BBHOTEL Trademark is reproduced within the disputed domain name. The only difference between the BBHOTEL Trademark and the disputed domain name is the addition of the term “marseille”. Although the addition of this term 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 Trademark for the purposes of the Policy. The Panel finds that [WIPO Overview 3.0](#), section 1.8.

Concerning the B&B HOTELS Trademark, the Panel finds the Trademark is recognizable within the disputed domain name. Accordingly, the disputed domain name is also confusingly similar to the B&B HOTELS Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Further, the generic Top-Level Domain “.link” is a standard registration requirement and as such, is typically not considered for the purposes of assessment of the first element of the Policy and does not prevent the disputed domain name from being confusingly similar to the Trademarks.

Accordingly, the disputed domain name is confusingly similar to the BBHOTEL and the B&B HOTELS Trademarks 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. The Respondent did not claim to be commonly known by the disputed domain name, nor to have acquired or applied for a trademark registration for “bbhotelmarseille”, or any variation thereof. The Complainant has asserted, without being contradicted by the Respondent, that the Respondent is not a licensee of the Complainant, nor affiliated with the Complainant in any way, nor authorized in any way to register and use the disputed domain name.

The Panel notes that the disputed domain name reproduces the BBHOTEL Trademark in its entirety with the mere addition of the term “marseille” which is the name of the French city where the hotel referred to on the website under the disputed domain name is located and where the Complainant runs several hotels. This increases the risk of Internet user confusion. As a result, the composition of the disputed domain name carries a risk of implied affiliation, which cannot constitute fair use as it suggests sponsorship or endorsement by the Complainant. The composition of the disputed domain name affirms the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant’s BBHOTEL and B&B HOTELS Trademarks and to mislead the Internet users for commercial gain. Moreover, the disputed domain name resolved to a website passing itself off as being the official website of a hotel in Marseille. The Panel indeed notes that the disputed domain name was used to impersonate said hotel in Marseille as the website under the disputed domain name presents itself as the official website of the third party hotel and offers the Internet users to enter their contact details for booking a room. However, the manager of the hotel certified to the Complainant in writing that the hotel has not registered or used, nor authorized to register or use the disputed domain name, and explains to have no link with the website. Therefore, it appears that the disputed domain name directed to a fraudulent website. Panels have held that the use of a domain name for illegitimate activity, here, impersonation, 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.

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 notes that the Respondent has composed the disputed domain name by combining the Complainant's BBHOTEL Trademark with the geographical term "marseille", which is a French city where the Complainant runs several hotels, which increases the confusing similarity between the disputed domain name and the Complainant. Given the trademark registrations for the BBHOTEL and the B&B HOTELS Trademarks (which predate the registration date of the disputed domain name), the Complainant's numerous domain names incorporating "bb" and "hotel(s)" (like e.g. <bbhotels.com>, <bb-hotels.eu>, <bbhotel.online>, <bbhotels-group>, etc.), it is not plausible that the Respondent was unaware of the Complainant and its Trademarks at the time of registration of the disputed domain name.

A quick search for the terms "bb hotel" or "b&b hotel(s)" online would have revealed to the Respondent the existence of the Complainant and its Trademarks. This is the more so that the Complainant is active and owns a trademark registration for the B&B HOTELS Trademark in the United Kingdom, where the Respondent is allegedly located. As a result, the Panel finds that the Respondent was more likely than not aware of the Complainant's Trademarks at the time of the registration of the disputed domain name. [WIPO Overview 3.0](#) section 3.2.2.

The Panel further notes that the disputed domain name creates a likelihood of confusion with the Complainant and its Trademarks.

The Respondent's use of the disputed domain name to impersonate the website of an existing hotel in Marseille, misleading Internet users into believing that they were on the website of the third party hotel and could book a room, while the website was actually fraudulent and did not belong to such hotel supports a finding of bad faith. By registering and using the disputed domain name, the Respondent has intentionally attempted to attract Internet users to a fraudulent website impersonating a hotel in Marseille, by creating a likelihood of confusion with the Complainant's Trademarks as to the source, sponsorship, affiliation, or endorsement of the Respondent's website. This constitutes bad faith under paragraph 4(b)(iv) of the Policy.

Moreover, panels have held that the use of a domain name for illegitimate activity, here impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. In the present case, having reviewed the records, the Panel notes that the disputed domain name was used to impersonate a hotel in Marseille and create a fraudulent website, inviting Internet users to enter their personal data, which constitutes an illegitimate activity and therefore 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 <bbhotelmarseille.link> be transferred to the Complainant.

/Mireille Buydens/

Mireille Buydens

Sole Panelist

Date: October 24, 2025