

ADMINISTRATIVE PANEL DECISION

Barnes Europe Consulting Kft. and Heidi Barnes-Watson v. Theresa Chavez
Case No. D2025-3840

1. The Parties

The Complainants are Barnes Europe Consulting Kft., Hungary, and Heidi Barnes-Watson, United States of America ("United States"), represented by MIIP MADE IN IP, France.

The Respondent is Theresa Chavez, United States.

2. The Domain Name and Registrar

The disputed domain name <barnes-perigord.com> is registered with Spaceship, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 22, 2025. On September 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 22, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainants on September 26, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on September 26, 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 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 20, 2025.

The Center appointed Gary Saposnik as the sole panelist in this matter on October 24, 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 Complainants are real estate agents for high-end luxury properties in a number of regions of the world, including in Europe and the United States. The Complainants operate real estate agencies as well as a range of other luxury services, including private jet and yacht charter, art advisory, interior decoration, and win brokerage services worldwide under the name Barnes and the BARNES trademarks. The Complainants operate in over 15 countries and 60 destinations, with an integrated network of 158 agencies providing services related to luxury real estate, including sales, rental and property management operations. The Complainants are joint owners of French, European Union, United Kingdom, Canadian, United States and International trademarks including BARNES, including the following registrations:

- BARNES, International Trademark Registration No. 1114909, registered March 13, 2012, in classes 36, 37, and 42;
- BARNES, United States Trademark Registration No. 6855266, registered September 27, 2022, in classes 35, 36, 37, 39, and 42;
- BARNES, International Trademark Registration No. 1510264, registered June 27, 2019, in classes 35, 36, 37, and 42;
- BARNES, European Union Trademark Registration No. 018037155, registered September 26, 2019, in classes 35, 36, 37, and 42.

The Complainants (henceforth the “Complainant”) owns the domain name <barnes-international.com>, registered on July 25, 2007, which resolves to the Complainant’s official website. The Complainant also owns numerous other domain names with the same structure, namely BARNES-geographical location, e.g. <barnes-newyork.com>.

The disputed domain name was registered by the Respondent on July 19, 2025. The disputed domain name does not resolve to an active website when viewed on a PC, but resolves to a website displaying numerous manga/Japanese comics, many of them of a sexual or pornographic nature, when accessed through mobile navigation.

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 identical or confusingly similar to the Complainant’s BARNES trademarks. The disputed domain name wholly incorporates the Complainant’s trademark BARNES and merely adds the geographic term “perigord”, with the two elements being separated by a hyphen. “Périgord” is a natural region and former province of France. As “barnes” is the distinctive element of the disputed domain name, the addition of “-perigord” does nothing to negate the confusing similarity between the disputed domain name and the Complainant’s trademarks. Incorporating the geographic term that identifies a location where the Complainant has agencies increases the likelihood of confusion. See [WIPO Overview 3.0](#), section 1.8.

The Complainant alleges that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent does not own any trademark rights in the names “barnes” or “barnes-perigord”. The Respondent does not appear to engage in any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a bona fide offering of goods and services. There is no business or legal relationship between the Complainant and the Respondent. The Complainant has neither authorized nor licensed the Respondent to use its trademarks in any way.

The disputed domain name resolves to a website (on mobile navigation) displaying numerous manga/Japanese comics, many of which appear to be of a sexual and/or pornographic nature. A prior panel found that no rights or legitimate interests derive from using another’s registered trademark to divert Internet users to a pornographic and gambling website. See *Barnes Europe Consulting Kft., and Heidi Barnes-Watson v. Jianhua Wang*, WIPO Case No. [D2022-3059](#).

Lastly, the Complainant avers that the disputed domain name was registered and is being used in bad faith. The BARNES trademark has been recognized as well-known and with a worldwide reputation in a number of prior UDRP decisions. The disputed domain name was registered with the aim of taking advantage of the Complainant’s well-known trademark. The disputed domain name resolving to a website featuring sexually explicit, pornographic content, provides evidence of the Respondent’s bad faith registration and use of the disputed domain name. The disputed domain name is based on the same structure as the Complainant’s domain names, namely “barnes” plus “location”, which reinforces the risk of confusion for Internet users. Additionally, the Complainant alleges that the Respondent has been involved in at least 11 prior UDRP cases, which is further evidence of the Respondent’s malicious intent.

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.

The entirety of the Complainant’s BARNES 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, “-perigord”, may bear on assessment of the second and third elements, the Panel finds the addition of such geographic 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.

There is no business or legal relationship between the Complainant and the Respondent. The Complainant has neither authorized nor licensed the Respondent to use its trademarks in any way. The Respondent does not appear to be commonly known by the mark and there is no evidence that the Respondent holds any trademark rights for the disputed domain name.

There is no evidence that the Respondent is using the disputed domain name for any legitimate noncommercial or fair use, nor any use in connection with a bona fide offering of goods and services. Rather, the evidence presented reflects that the disputed domain name resolves to a website featuring sexually explicit, pornographic content, particularly in mobile navigation. The Panel finds that no rights or legitimate interests derive from using another’s registered trademark to divert Internet users to a website containing pornographic content. See *Barnes Europe Consulting Kft., and Heidi Barnes-Watson v. Jianhua Wang*, WIPO Case No. [D2022-3059](#).

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 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 registered the disputed domain name many years after the Complainant attained trademark rights in its widely and well-known BARNES trademark. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

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.

As previously noted, the disputed domain name incorporates the Complainant's mark, while adding a geographic term related to a location where the Complainant has agencies. Such use, which also incorporates the same structure as the Complainant's domain names, namely "barnes" plus "location", reinforces the risk of confusion for Internet users. The resolving of the disputed domain name to pornographic content is additional indicia of bad faith conduct. The Respondent has not responded to the Complaint, nor come forward with a credible explanation for the choice of the disputed domain name.

UDRP panels have held that establishing a pattern of bad faith conduct requires more than one, but as few as two instances of abusive domain name registrations. This may include a scenario where a respondent, on separate occasions, has registered trademark abusive domain names. The evidence provided, as well as the Panel's search of the WIPO UDRP Panel Decisions database, return results reflecting that the Respondent has been found to have registered and used other registered trademark-abusive domain names in bad faith including in eleven prior decisions. These include *OTTO's AG v. Theresa Chavez*, WIPO Case No. [D2025-3557](#), *Archer-Daniels-Midland Company v. Theresa g Chavez*, *Theresa Chavez*, WIPO Case No. [D2025-2717](#), and *Medtronic, Inc. v. Theresa Chavez*, *Web Commerce Communications Limited, Client Care*, and *sfsad sadfsdaf*, WIPO Case No. [D2023-4694](#). The Panel finds that the Respondent has repeatedly shown a bad faith pattern of targeting registered trademarks in her abusive domain name registrations. [WIPO Overview 3.0](#), section 3.1.2.

Based on the totality of the evidence presented, 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 <barnes-perigord.com> be transferred to the Complainant, Barnes Europe Consulting Kft, as requested.

/Gary Saposnik/

Gary Saposnik

Sole Panelist

Date: November 7, 2025