

ADMINISTRATIVE PANEL DECISION

Groupe Lucien Barrière v. Yaroslav Kariakin
Case No. D2026-1023

1. The Parties

The Complainant is Groupe Lucien Barrière, France, represented by SELAS LEXINGTON AVOCATS, France.

The Respondent is Yaroslav Kariakin, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <casinosbarriere-toulouse.com> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 10, 2026. On March 10, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 11, 2026, 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 (Unknown / The RDAP server redacted the value) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 13, 2026, 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 March 16, 2026.

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 March 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 12, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 21, 2026.

The Center appointed Mladen Vukmir as the sole panelist in this matter on April 29, 2026. 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 company based in France operating in the hospitality, restaurant, and casino sector.

The Complainant is the owner of several BARRIERE trademarks registered in various jurisdictions, including BARRIERE, European Union trademark number 008563462 (word), registered on June 9, 2010, for goods and services in Classes 3, 9, 14, 16, 18, 24, 25, 28, 35, 36, 38, 39, 41, 43, and 44 of the International Classification ("IC"), BARRIÈRE CASINO, European Union trademark number 006760433 (word), registered on January 7, 2009, for services in Class 41 of the IC, and B BARRIÈRE, European Union trademark number 013752324 (word), registered on June 17, 2015, for goods and services in Classes 3, 4, 9, 16, 18, 24, 25, 28, 35, 36, 39, 41, 43, and 44 of the IC (the "BARRIERE trademarks").

The Complainant holds domain names incorporating its trademarks, including <casinosbarriere.com>, registered on February 20, 2002, which is used in connection with the Complainant's activities.

The disputed domain name was registered on December 20, 2025. The disputed domain name previously resolved to a website in the French language displaying content related to online casino services and "Casino Barrière Toulouse", including visual elements and references similar to those used by the Complainant. At the time of this Decision, the disputed domain name resolves to a page indicating that the website has been removed at the request of the copyright holder.

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:

(i) operates as a prominent family-owned group and a pioneer in the hospitality industry, with extensive activities encompassing hotel, restaurant, and casino services globally. Established with a longstanding history and a strong commitment to quality, the Complainant has cultivated a high-end image and a well-known reputation, particularly through its BARRIERE and BARRIÈRE CASINO trademarks, which are intensively and continuously used across its operations. This robust market presence and reputation are well-documented and recognized, including in previous UDRP decisions.

(ii) the disputed domain name is confusingly similar to the Complainant's established trademarks. It fully incorporates the distinctive and dominant element "BARRIERE" from the Complainant's trademarks. The addition of the generic term "casinos" and the geographical term "toulouse" does not serve to differentiate the disputed domain name. Instead, given the Complainant's operation of casinos in various French cities, these additional terms rather reinforce the misleading impression that the disputed domain name is associated with, or endorsed by, the Complainant, thereby creating a clear likelihood of confusion among Internet users.

(iii) the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not granted any authorization, license, or consent to the Respondent for the use of its BARRIERE trademarks. There is no evidence suggesting that the Respondent is commonly known by the disputed domain name or that it has any legitimate trademark rights corresponding to "BARRIERE". Furthermore, the

Respondent's use of the disputed domain name to direct Internet users to online gambling activities, which are strictly prohibited by French law, constitutes an illegitimate and non-bona fide use.

(iv) the disputed domain name has been registered and is being used in bad faith. The Complainant's BARRIERE trademarks significantly predate the registration of the disputed domain name. Given the widespread reputation of the Complainant in the casino and hospitality sectors, it is inconceivable that the Respondent registered the domain name without prior knowledge of the Complainant's rights. The visual similarity of the website accessed via the disputed domain name to the Complainant's official Casino Barrière website, coupled with its redirection to illegal online gaming services, demonstrates a clear intent to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's mark.

B. Respondent

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

6. Discussion and Findings

Procedural Issue – Location of the Respondent

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceedings take place with due expedition.

The location of the Respondent disclosed by the Registrar appears to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification. It is therefore appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue.

Having considered all the circumstances of the case, the Panel is of the view that they should.

The Panel notes that the Center notified the Respondent of the Complaint using all reasonably available means and nothing in the available record suggests that the electronic notification did not reach the Respondent's email address as listed in the registration records for the disputed domain name. Furthermore, the Panel notes that the disputed domain name was registered on December 20, 2025, during the ongoing international conflict, which suggests that the Respondent was able to access Internet and maintain control of the disputed domain name during the relevant period.

The Panel also notes that the website hosted at the disputed domain name is in the French language, and promotes casino services in Toulouse, France, which may support an inference that the Respondent is not located in Ukraine.

The Panel further notes that the circumstances of this case, as discussed later in this Decision, indicate that the disputed domain name was registered and used with awareness of, and intention to target, the Complainant and its trademarks.

In these circumstances, the Panel is satisfied that the Parties have been given a fair opportunity to present their case and, in accordance with the Rules, proceeds to a Decision on the basis of the available record.

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 3.1](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds that the Complainant has established rights in the BARRIERE trademarks.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

The disputed domain name incorporates the Complainant's BARRIERE trademark in its entirety. The Panel further notes that the disputed domain name combines the term "casinos" with the term "barriere", which corresponds to the textual elements of the Complainant's BARRIÈRE CASINO trademark, albeit in reversed order and in plural form.

Although the addition of other terms (here, "toulouse") 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 marks for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

The Panel further notes that the inclusion of a hyphen between the elements of the disputed domain name does not affect the overall assessment of confusing similarity. The generic Top-Level Domain ("gTLD") ".com" is disregarded for the purpose of the confusing similarity test ([WIPO Overview 3.1](#), section 1.11.1).

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 that 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), 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 Panel notes that there is no evidence that the Respondent is affiliated with the Complainant, has been authorized to use the Complainant's trademarks, or is commonly known by the disputed domain name.

The Panel further notes that Internet users may understand a combination of the geographical term "toulouse" and "casinosbarriere" – which incorporates the Complainant's trademark BARRIERE and (as reversed) corresponds to the Complainant's other trademark BARRIÈRE CASINO - as referring to a location connected with the Complainant's activities, and, coupled with the content of the website related to online casino services and "Casino Barrière Toulouse" (being a location of one of the Complainant's establishments), the disputed domain name signals the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant.

Such use cannot be considered a bona fide offering of goods or services or a legitimate noncommercial or fair use.

The Panel finds that 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 used the disputed domain name to resolve to a website displaying content related to online gaming, including elements similar to those associated with the Complainant. In the circumstances of this case, this supports a finding that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark, within the meaning of paragraph 4(b)(iv) of the Policy.

The Panel further notes that the Complainant's trademarks predate the registration of the disputed domain name and that the composition of the disputed domain name incorporates the Complainant's mark together with terms related to its business and location of one of its establishments.

The Panel observes that, at the time of this Decision, the disputed domain name resolves to a page indicating that the website has been removed at the request of the copyright holder and includes an apology for any inconvenience caused. In the Panel's view, such subsequent conduct does not prevent a finding of bad faith, particularly in light of the prior use of the disputed domain name. Rather, the Panel finds that such change in use reinforces the finding that there was no good faith intention behind the registration and prior use of the disputed domain name.

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 <casinosbarriere-toulouse.com> be transferred to the Complainant.

/Mladen Vukmir/

Mladen Vukmir

Sole Panelist

Date: May 13, 2026