ARBITRATION
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# ADMINISTRATIVE PANEL DECISION
Groupe Lucien Barrière v. Yaroslav Kariakin, Acenture
Case No. D2026-1684

## 1. The Parties

The Complainant is Groupe Lucien Barrière, France, represented by SELAS Lexington Avocats, France.

The Respondent is Yaroslav Kariakin, Acenture, Ukraine.

## 2. The Domain Name and Registrar

The disputed domain name <casinosbarriere-biarritz.com> (the "Disputed Domain Name") 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 April 21, 2026. On April 21, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On the same date, 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 (The RDAP server redacted the value) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 22, 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 the same date.

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 April 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 13, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 14, 2026.

The Center appointed Peter J. Dernbach as the sole panelist in this matter on May 21, 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 that engages in hospitality industry, including hotel, restaurant, and casino services. The Complainant holds a number of trademark registrations (collectively the "BARRIERE Marks"), including the following:

- BARRIERE, European Union Trade Mark no. 008563462, registered on June 9, 2010, in classes 3, 9, 14, 16, 18, 24, 25, 28, 35, 36, 38, 39, 41, 43, and 44; and

- BARRIÈRE CASINO, European Union Trade Mark no. 006760433, registered on January 7, 2009, in class 41.

The Complainant owns the domain name <casinosbarriere.com> registered on February 20, 2002, under which it offers its services.

The Disputed Domain Name was registered by the Respondent on December 29, 2025. It previously resolved to a website that imitated the Complainant's official website, but now resolves to an inactive website.

The Respondent, according to the information provided by the Registrar, is located in Ukraine.

## 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) The Disputed Domain Name is confusingly similar to the Complainant's trademarks.

The Complainant asserts that the Complainant's BARRIERE Marks have been widely and continuously used and have established a strong reputation. The Disputed Domain Name reproduces the distinctive element of the Complainant's BARRIERE Marks in its entirety. The addition of the generic term "casinos" and the geographical term "biarritz" do not prevent a finding of confusing similarity, particularly because the Complainant operates casinos in various French cities.

(ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

The Complainant has never granted the Respondent any authorization, license, or consent to register or use a domain name incorporating its BARRIERE Marks. In addition, the Respondent is utilizing the Disputed Domain Name to imitate the Complainant's casino in order to direct Internet users to online gambling, which is strictly prohibited under French law. This demonstrates that the Respondent is not making any bona fide offering of goods or services, nor engaging in legitimate noncommercial or fair use of the Disputed Domain Name.

(iii) The Disputed Domain Name has been registered and is being used in bad faith.

Given the well-known status and reputation of the Complainant's BARRIERE Marks, it is implausible that the Respondent was unaware of the BARRIERE Marks at the time the Disputed Domain Name was registered. Moreover, the Respondent used the Disputed Domain Name to host a fraudulent webpage that visually mimicked the Complainant's official website. By intentionally creating a likelihood of confusion to attract Internet users for commercial gain and redirect them to illegal online gaming services, the Respondent demonstrates a clear bad faith intent to misappropriate the Complainant's reputation.

**B. Respondent**

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

## 6. Discussion and Findings

### 6.1. 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 the proceedings should continue.

The case record shows that Notification of Complaint email was sent at the Respondent's email address disclosed by the Registrar, and there is no evidence of unsuccessful delivery.

It is moreover noted that, for the reasons which are set out later in this Decision, the Panel has no serious doubt (albeit in the absence of any Response) that the Respondent registered and has used the Disputed Domain Name in bad faith and with the intention of unfairly targeting the Complainant's goodwill in its trademark.

The Panel concludes that the Parties have been given a fair opportunity to present their case. In order that the administration of proceedings takes place with due expedition, the Panel proceeds to a Decision accordingly.

### 6.2. Substantive Issues

In accordance with paragraph 4(a) of the Policy, in order to succeed in this administrative proceeding and obtain the requested remedy (in this case, transfer of the Disputed Domain Name), the Complainant must prove that each of the three following elements are present:

(i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has right; and

(ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and

(iii) the Disputed Domain Name has been 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 Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has established that it has rights in the BARRIERE Marks. The Disputed Domain Name incorporates the Complainant's BARRIERE Marks by closely reproducing the BARRIERE and BARRIÈRE CASINO trademarks. The addition of the geographic term "-biarritz" does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant's BARRIERE Marks for the purposes of the Policy. WIPO Overview 3.1, section 1.8. In addition, the Top-Level Domain ".com" is a standard registration requirement and does not impact the assessment of confusing similarity.

Therefore, 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 the 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 (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 3.1, section 2.1.

Here, the Complainant has asserted that it has never authorized, licensed, or otherwise permitted the Respondent to use the BARRIERE Marks. Furthermore, the Complainant has provided evidence showing that the Disputed Domain Name previously resolved to a website that imitates the Complainant's official website, featuring similar visuals, the same black background, and explicit references to the Complainant. The Panel is therefore persuaded that the Disputed Domain Name was used to target and impersonate the Complainant's website in order to mislead Internet users. Such use cannot confer any rights or legitimate interests on the Respondent, nor constitutes bona fide use. There is also no evidence to suggest that the Respondent has been commonly known by the Disputed Domain Name.

As the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name, the burden of production shifts to the Respondent. The Respondent has not rebutted the Complainant's prima facie case, nor has it provided any relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name, such as those enumerated in the Policy or otherwise.

Therefore, 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.

The Complainant has provided articles and news reports establishing the strong reputation of the BARRIERE Marks in the hospitality and casino industries. Given the fame of the BARRIERE Marks, it is inconceivable that the Respondent was unaware of the Complainant's BARRIERE Marks at the time of registering the Disputed Domain Name.

In addition, the Respondent previously used the Disputed Domain Name to divert Internet users to a website that imitated the Complainant's official website, incorporating similar visuals, the same black background, and explicit references to Barrière Casinos. Such conduct demonstrates that the Respondent had knowledge of the Complainant and the BARRIERE Marks when registering the Disputed Domain Name and sought to profit from the reputation of the Complainant's trademarks.

Moreover, the Respondent's use of the Disputed Domain Name to mimic the Complainant's website also shows that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant. While the Disputed Domain Name does not currently resolve to an active website, this does not preclude the finding of registration and use in bad faith.

Having considered the above, 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-biarritz.com> be transferred to the Complainant.

*/Peter J. Dernbach/*
**Peter J. Dernbach**
Sole Panelist
Date: May 28, 2026