

ADMINISTRATIVE PANEL DECISION

Baccarat SA v. Baccarats
Case No. DAU2026-0008

1. The Parties

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

The Respondent is Baccarats, Australia.

2. The Domain Name and Registrar

The disputed domain name <baccarats.au> is registered with GoDaddy.com, LLC.

3. Procedural History

The Complaint was filed with the World Intellectual Property Organisation Arbitration and Mediation Center (WIPO-AMC) on March 11, 2026. On March 13, 2026, the Center transmitted by email to GoDaddy.com, LLC a request for registrar verification in connection with the disputed domain name. On March 16, 2026, GoDaddy.com, LLC transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Complainant filed an amended Complaint on March 23, 2026.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .au Dispute Resolution Policy (the "Policy" or ".auDRP"), the Rules for .au Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for .au Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 30, 2026. In accordance with the Rules, paragraph 5(a), the due date for Response was April 19, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 20, 2026.

The Center appointed Robert Walters as the sole panelist in this matter on April 24, 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 Baccarat SA, a French entity, is world famous for the manufacture of crystal wares since 1764. For more than 250 years, Baccarat SA has supplied heads of State, Foreign Courts, and the public with high quality lighting, chandeliers, jewellery, tableware, home décor and barware.

Baccarat SA products are in more than 80 countries globally. In recognition of Baccarat SA long standing history in hand crafted luxurious crystals, in 2024 Society Awards offered Baccarat products as gifts. Centrally, the Complainant enjoys a comprehensive network of more than 620 boutiques, department stores, authorised resellers and points of sale, that includes 28 exclusive dedicated online shops.

Approximately fifteen years ago, Baccarat SA had launched a perfume trilogy. As a result, a formal partnership was established with Francis Kurkdjian, a creator of many successful perfumes, including the brand Maison Francis Kurkdjian. More specifically, the Complainant's products are offered under the brand name of "Baccarat Rouge 540", which are available through Maison Francis Kurkdjian network of stores and online at "www.franciskurkdjian.com". Maison Francis Kurkdjian have a substantial presence with 700 stores worldwide and a large number in Australia that offer for sale Baccarat products.

Subsequently, Baccarat SA is operating its main web portal at <baccarat.com>, displaying historical information about the company, its collections, the showroom locations worldwide and services for professionals. This website alone also offers the opportunity for customers to purchase Baccarat SA's products directly from the Complainant.

More importantly, the Complainant is the holder of trademark rights in relation to the word BACCARAT, which is one of the oldest trademarks in the world. The name Baccarat comes from the city of Baccarat in France where it is highlighted by first trademark registration dated December 29, 1860. At the time it was filed for the denomination BACCARAT FRANCE for class 21 (articles made of crystal glass). This trademark is still in force and was renewed on April 4, 2019.

Pertinent to this dispute, and according to IP Australia, the following BACCARAT trademarks have existed in Australia; 13058 (from 1912, class 21), 291476 (from 1975, class 21), and 460393 (from 1987, class 3).

On the one hand, the Respondent, according to IP Australia, does not have a registered trademark for these words. On the other hand, the Registrant ID is an Australian Business Number (ABN) 90 739 657 162 that is held by the entity of Bore, Becorath since 2024.

The disputed domain name was registered on December 29, 2025. It resolves to a website that purportedly offers for sale the Complainant's perfumes as well as third-party perfumes.

According to the Whois, the disputed domain name <baccarats.au> was last modified on April 1, 2026, and the Registrar has confirmed registration by the Respondent since December 29, 2025.

On March 24, 2026, the Center wrote to the Complainant, and copied the Respondent into the correspondence of the complaint received.

On March 30, 2026, the Respondent was notified by the Center of the commencement of an administrative proceeding regarding the disputed domain name. Later, on April 20, 2026, the Center further wrote to the Respondent informing them that they had not complied with the required deadline for responding on April 19, 2026. The Respondent was subsequently informed that an Administrative Panel would decide the outcome of this dispute.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is identical or confusingly similar to the trademark and therefore is contrary to the requirements of the Policy, paragraph 4(a)(i).

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and is contrary to the requirements of the Policy, paragraph 4(a)(ii).

Moreover, it is alleged that the disputed domain name has been registered and subsequently used in bad faith that is contrary to the requirements of the Policy, paragraphs 4(a)(iii) and 4(b).

B. Respondent

On April 20, 2026, the Center wrote to the Respondent informing them that they had failed to comply with the deadline indicated in the Notification of Complaint and Commencement of Administrative Proceeding. According to the case file, the Respondent has at no time responded to the Center.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has shown rights in the trademark BACCARAT.

The disputed domain name is confusingly similar to the trademark BACCARAT. The similarities extend to the Complainant's trademark by adding only the letter "s" and the country code Top-Level Domain ("ccTLD") ".au".

Typically, the ".au" suffix is considered inconsequential and is to be ignored under the first element identity or confusing similarity test; *Pickles Auctions Pty Ltd v. Complete Hire Pty Ltd ACN 070 489 173* WIPO Case No. [DAU2012-0005](#). Once the ccTLD ".au" is subtracted, the domain name differs from the trademark only by the addition of the letter "s" to the word "baccarat".

Notwithstanding the above, it has been also held by past panels that the mere addition of a letter as a variant does not distinguish the domain name from the mark to any significant extent; *Intesa Sanpaolo S.p.A. v. Above.com Domain Privacy* WIPO Case No. [D2015-2289](#); ¹ *Alfa Laval AB, Laval Corporate AB v. Caribbean Online International Ltd* WIPO Case No. [D2007-1893](#).

¹ Due to the similarities between the UDRP and the .au Domain Name Dispute Resolution Policy, the Panel may reference UDRP cases throughout the decision.

It has been consistently held by past panels that where an identical or confusingly similar domain name to the Complainant's trademark is evident, is where they incorporate the entirety of the Complainant's trademark; see *Compagnie Générale des Etablissements Michelin v. Shuitu Chen*, WIPO Case No. [D2016-1924](#); *Compagnie Générale des Etablissements Michelin v. Isaac Goldstein, Hulmiho Ukolen, Poste restante/Domain Admin*, WIPO Case No. [D2015-1787](#).

The Complainant has satisfied paragraph 4(a)(i) of the Policy, and the Panel finds the disputed domain name to be confusingly similar to the Complainant's trademark.

B. Rights or Legitimate Interests

Based on the evidence provided, the Complainant makes out a prima facie case that the Respondent lacks rights or legitimate interests. Consequentially, the burden of production on this element shifts to the Respondent to come forward with evidence demonstrating they have the requisite rights or legitimate interests in the domain name. See Overview of Panel Views on Selected auDRP Questions, Second Edition ("auDRP Overview 2.0"), section 2.1.1. The Respondent has not rebutted the Complainant's prima facie showing and has not provided any relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

There is no evidence that the Respondent has any rights or legitimate interests in the disputed domain name. The Complainant confirms that it did not extend any rights whatsoever to the Respondent to use the Complainant's trademark, in a domain name or otherwise.

The Complainant further confirms that the Respondent is not affiliated with the Complainant in any way. More importantly, the Complainant has not given the Respondent permission to use its trademark in any manner, including in domain names, nor has it licensed the Respondent to do so.

The Panel notes that the name of the Respondent is "Baccarats", however, there is no evidence the Respondent is commonly known by such, and rather it appears this name was chosen to falsely suggest affiliation with the Complainant.

In addition to the above, the Panel notes that the disputed domain name directs consumers to an active website. The website is written in English with attention to the Australian consumers, given the ".au" ccTLD. This website offers for online sale different perfumes, including those announced under the names:

- "Baccarat Rouge 540 Extrait de Parfum"; and
- "Baccarat Rouge 540 Eau De Parfum".

These products names are identical to those owned and sold by the Complainant. Therefore, the Respondent is and has used the disputed domain name to divert Internet users its website that is imitating the Complainant. As such, the Respondent seeks to create an impression of an association with the Complainant.

The Panel also finds that the use of the disputed domain name by the Respondent does not meet the requirements as set out in the *Ok! Data* test to qualify as fair use of the disputed domain name. In particular, the website at the disputed domain name purportedly offers for sale third-party products in addition to the Complainant's products. Further, the website does not contain a prominent disclosure of the relationship between the parties, or the lack thereof. auDRP Overview 2.0, section 2.8.

Accordingly, the Panel determines that the Respondent has no rights or legitimate interests in the disputed domain name as required under the Policy, paragraph 4(a)(ii).

C. Registered or Subsequently Used in Bad Faith

Paragraph 4(a)(iii) of the auDRP requires the Complainant to demonstrate that the disputed domain name was either registered or subsequently used in bad faith. The Panel is of the view that the disputed domain name was registered in bad faith by the Respondent.

Paragraph 4(b) of the auDRP provides that certain circumstances, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith, although it is not an exhaustive list of such circumstances. One of the circumstances in particular is: (iv) by using the domain name, [the Respondent has] intentionally attempted to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with the complainant's name or mark as to the source, sponsorship, affiliation, or endorsement of that website or location or of a product or service on that website or location.

The BACCARAT trademark is distinctive, and more importantly has been well established around the world, including in Australia. The Complainant has submitted evidence which shows that the Respondent registered the disputed domain name long after the Complainant registered its trademark. Moreover, the trademark has been heavily promoted and advertised by the Complainant. Having been established for such a long time, it has also been promoted in many other jurisdictions worldwide. That said, a simple Internet search would have revealed to the Respondent the Complainant's exclusive trademark rights, and its worldwide exposure.

The circumstances in this case leave no doubt that Respondent was, or should have been aware of Complainant's business and its rights in the undisputedly well-known BACCARAT trademark when registering the disputed domain name; *GrabTaxi Holdings Pte. Ltd. v. Nguyễn Văn Khoa*, WIPO Case No. [D2025-1087](#). Bad faith registration is ordinarily determined when the respondent "knew or should have known" of the complainant's trademark rights who also had a worldwide reputation and presence online, and nevertheless, registered a domain name. See *The Gap, Inc. v. Deng Youqian*, WIPO Case No. [D2009-0113](#); *Hertz Systems Inc. v. Throne Ventures Pty. Ltd.*, WIPO Case No. [DAU2009-0013](#).

Furthermore, the disputed domain name does include the Complainant's trademark in its entirety with the addition of the letter "s" and ccTLD ".au". Past panels have ruled that where there is a 'likelihood of confusion presumed', that any such confusion is likely to result in the diversion of Internet traffic from the Complainant's website to the Respondent's website and is evidence of bad faith; *Edmunds.com, Inc. v. Triple E Holdings Limited*, WIPO Case No. [D2006-1095](#).

Based on the evidence provided by the Complainant, the Respondent, by offering for sale Baccarat Rouge 540 perfume and competitor perfume products on a misleading website does not correspond with a fair use. Rather, this leads customers to falsely believe that they are purchasing authentic perfumes from an authorized reseller. This also diverts Internet traffic away from the Complainant's website.

On this basis, where the disputed domain name incorporates the Complainant's trademark, is used, and purports to offer for sale the Complainant's products, the Respondent's website operates creating a likelihood of confusion with the Complainant's mark as to the affiliation or endorsement of that website and the products made available on that website. Given these findings, the Panel finds that the circumstances fall within the terms of paragraph 4(b)(iv) of the Policy.

The Panel further finds it highly unlikely that the disputed domain name was registered by the Respondent without knowledge of the Complainant's Mark and website. It is contended that the Respondent's goal in registering and using the disputed domain name appears to be to attract Internet users by taking unfair advantage of the trademark, for potential gain. This finding has been reaffirmed by how the Respondent's use of the disputed domain name aims to compete with the Complainant on specific products. Therefore, the evidence provided amounts to "opportunistic bad faith".

Based on the above, the Panel finds that the disputed domain name has been used in bad faith. The Complainant has satisfied the third element in paragraph 4(a) of the Policy.

7. Decision

For all the foregoing reasons, in accordance with paragraph 4(i) of the Policy, and the Panel orders that the disputed domain name <baccarats.au> be transferred to the Complainant.

/Robert Walters/

Robert Walters

Sole Panelist

Date: May 8, 2026