

## **ADMINISTRATIVE PANEL DECISION**

**B&B Hotels v. Perfect Privacy, LLC / Milen Radumilo**  
**Case No. D2022-2559**

### **1. The Parties**

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

Respondent is Perfect Privacy, LLC, United States of America / Milen Radumilo, Romania.

### **2. The Domain Name and Registrar**

The disputed domain name <hotellbb.com> is registered with SNAPNAMES, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 13, 2022. On July 13, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 15, 2022, 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 and contact information in the Complaint. The Center sent an email communication to Complainant on July 18, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on July 19, 2022.

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 Respondent of the Complaint, and the proceedings commenced on July 20, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 9, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on August 11, 2022.

The Center appointed Lynda J. Zadra-Symes as the sole panelist in this matter on August 18, 2022. 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**

Complainant is a French company that operates a chain of hotels in France and Europe and other countries under the mark B&B HOTELS. Complainant was incorporated in France in May 1990 and has been using B&B HOTELS as a trademark since that time. Complainant's mark is now used in connection with more than 500 hotels worldwide, including in France, Germany, Italy, Spain, Portugal, Belgium, Switzerland, Poland, Austria, Slovenia, Czech Republic, and Brazil. More than 1,000 employees are employed under the B&B HOTELS brand.

In the French market, Complainant has more than 280 hotels operating under the B&B HOTELS brand, with a turnover of more than 280 million Euros in 2019. Complainant has registered many domain names, beginning in 1998, all combining the elements "bb" and "hotel" (with and without hyphens), including <hotelbb.net>, <hotel-bb.com>, <hotelbb.fr>, and <bbhotels.net>. Complainant also owns numerous trademark registrations composed of the elements "bb" and "hotel" in many countries, including but not limited to the following:

French Trademark Registration No. 3182313 for BB-HOTEL registered August 29, 2002;  
French Trademark Registration No. 3182312 for HOTELBB registered August 29, 2002;  
European Union Trademark Registration No. 004767323 for B&B Hotels and logo registered on December 12, 2006.

The disputed domain name was registered on July 2, 2022, through a privacy shield.

Complainant sent a cease and desist letter to the registrar on May 9, 2022, by email and by registered letter. The registrar confirmed receipt of Complainant's email and stated that any transfer or cancellation of the domain should be done in accordance with the UDRP procedure before WIPO. Thus, the Complainant filed a Complaint with the Center against the disputed domain name on May 25, 2022. The Center informed Complainant that the disputed domain name was under the redemption period. Complainant then withdrew its complaint and put a snapback in place. It appears that a third party also put a snapback and was able to register the disputed domain on July 2, 2022.

The disputed domain name resolves to a domain parking site with various pay-per-click (PPC) links relating to hotel and banking services.

#### **5. Parties' Contentions**

##### **A. Complainant**

Complainant contends that the disputed domain name is confusingly similar to Complainant's trademarks and domain names, that Respondent has no rights or legitimate interests in respect of the disputed domain name and that the disputed domain name was registered and is being used in bad faith.

##### **B. Respondent**

Respondent did not reply to the Complainant's contentions.

#### **6. Discussion and Findings**

In order to succeed in its claim, Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and

(ii) Respondent has no rights or legitimate interests with respect to the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

Paragraph 15(a) of the Rules instructs the Panel to decide a complaint “on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

#### **A. Identical or Confusingly Similar**

Complainant has demonstrated that it has rights in the trademarks B&B HOTELS, which it has used since 1990, and BBHOTEL, HOTELBB and HOTEL-BB. The disputed domain name incorporates Complainant’s mark HOTELBB in its entirety, with the addition of an extra “l” on the word “hotel.” This is an example of “typosquatting,” intended to lure Internet users seeking Complainant’s website to Respondent’s unauthorized website.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to Complainant’s trademarks.

#### **B. Rights or Legitimate Interests**

Complainant contends that Respondent is not affiliated with or connected to Complainant in any way. Complainant has not licensed or otherwise endorsed, sponsored or authorized Respondent to use Complainant’s marks or to register the disputed domain name. The record is devoid of any facts that establish any rights or legitimate interests of Respondent in the disputed domain name. There is no evidence that Respondent has been commonly known by the disputed domain name or that it has any rights that might predate Complainant’s adoption and use of its marks.

Respondent has not made, and is not making, a legitimate noncommercial or fair use of the disputed domain name. A Google search of the disputed domain name reveals no website or specific mention of Respondent. Respondent has not used the disputed domain name in connection with the *bona fide* offering of goods or services. The disputed domain name resolves to a website with PPC links.

Complainant has submitted substantive evidence showing that its marks are well known in France and Europe. The record therefore indicates that Respondent was most likely well aware of Complainant’s marks and used the disputed domain name – a typo of the latter’s mark – to attract, for Respondent’s commercial gain, Internet users seeking Complainant’s website to Respondent’s website, thereby leading them to PPC links on the parked page at the disputed domain name.

The Panel finds that Complainant has satisfied the requirement of paragraph 4(a)(ii) of the Policy.

#### **C. Registered and Used in Bad Faith**

The record indicates that Respondent was most likely well aware of Complainant’s marks at the time of registering the disputed domain name and that the disputed domain name is being used to lure Internet users seeking Complainant’s website to Respondent’s website for the purpose of obtaining PPC revenues through links on Respondent’s website. Respondent is therefore using the confusingly similar disputed domain name to financially benefit from confusing Internet users to land on Respondent’s website, rather than Complainant’s.

Accordingly, the Panel finds that Respondent has registered and used the disputed domain name in bad faith.

## **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 <hotellbb.com> be transferred to the Complainant.

*/Lynda J. Zadra-Symes/*

**Lynda J. Zadra-Symes**

Sole Panelist

Date: September 1, 2022