ADMINISTRATIVE PANEL DECISION

Baccarat SA v. Antonio De Loca
Case No. D2026-1056

1. The Parties

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

The Respondent is Antonio De Loca, Australia.

2. The Domain Names and Registrar

The disputed domain names <baccarats.store> and <shopbaccarats.com> (the "Disputed Domain Names") are registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 11, 2026. On March 12, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On the same date, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Names which differed from the named Respondent (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) 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 17, 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 19, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 8, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 10, 2026.

The Center appointed Lynda M. Braun as the sole panelist in this matter on April 15, 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, a French company formerly known as the COMPAGNIE DES CRISTALLERIES DE BACCARAT, is a world-famous manufacturer of crystal wares since 1764. The Complainant has been the supplier to many foreign courts and heads of state for more than 250 years. The Complainant's products (*e.g.,* crystal tableware, jewelry and perfumes) are available throughout Europe, North and South America, the Middle East and Asia via a network of more than 620 boutiques, department stores, authorized resellers and points of sale and via exclusive dedicated online shops offered in 10 languages, which products have received many awards worldwide.

The Complainant owns numerous registered trademarks for BACCARAT, either alone or in combination with other terms, including, but not limited to: BACCARAT FRANCE (word and design), French Registration No. 1523101, registered on April 4, 1989, in International Class 21; BACCARAT, Australian Registration No. 460393, registered on February 23, 1987 in International Class 3; BACCARAT, Australian Registration No. 291476, registered on October 23, 1975, in International Class 21; BACCARAT FRANCE, Australian Registration No. 13058, registered on May 22, 1912, in International Class 21; and BACCARAT ROUGE 540, International Trademark Registration No. 1260833, registered on May 4, 2015 (designating jurisdictions), in International Classes 3 and 4. The Complainant also owns over one thousand registered trademarks in numerous other jurisdictions worldwide. The foregoing trademark registrations will hereinafter collectively be referred to as the "BACCARAT Mark". The Complainant's products and BACCARAT brand have been deemed famous worldwide by several past UDRP panels.

The Complainant owns many domain names, including <baccarat.com>, <baccarat.fr>, and <baccarat.au>, among others, which resolve to its websites at "www.baccarat.com", "www.baccarat.fr", and "www.baccarat.au", with a section of the websites devoted to BACCARAT perfumes, and through which the Complainant advertises and sells BACCARAT products online.

The Disputed Domain Names <baccarats.store> and <shopbaccarats.com> were registered on January 17, 2026 and January 10, 2026, respectively. The Disputed Domain Names redirect to a website at "www.baccarats.au" entitled "Baccarats", attempting to pass off as the Complainant, copying the Complainant's website, and using the Complainant's trademarks BACCARAT and BACCARAT ROUGE 540 to sell or pretend to sell BACCARAT ROUGE 540-branded perfumes that are allegedly non-authentic, as well as other perfumes belonging to third parties.

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 Names. Notably, the Complainant contends that:

- the Disputed Domain Names are confusingly similar to the BACCARAT Mark because the Disputed Domain Names contains the BACCARAT Mark in its entirety, albeit with an additional letter "s", and with the additional term "shop" in one of the names, and then followed in each name by the generic Top-Level Domain ("gTLD") ".com", or ".store";

- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names because, among other things, the Disputed Domain Names redirect to a website that passes off as the Complainant's website and offers BACCARAT-branded goods that are purportedly counterfeit or non-genuine; and

- the Disputed Domain Names were registered and are being used in bad faith because, among other things, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's BACCARAT Mark.

The Complainant seeks the transfer of the Disputed Domain Names in accordance with paragraph 4(i) of the Policy.

B. The Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy requires that the Complainant prove the following three elements in order to prevail in this proceeding:

(i) the Disputed Domain Names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

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

(iii) the Disputed Domain Names were registered and are being used in bad faith.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Names are confusingly similar to the BACCARAT Mark, albeit with an additional letter "s" in BACCARAT in both names, differing only in one of the Disputed Domain Names by the addition of the term "shop" that precedes the BACCARAT Mark.

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 Names. See WIPO Overview 3.1, section 1.7.

It is uncontroverted that the Complainant has established rights in the BACCARAT Mark based on its registered trademarks for the BACCARAT Mark in Australia (where the Respondent allegedly resides) and numerous jurisdictions worldwide. The registration of a mark satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. As stated in section 1.2.1 of the WIPO Overview 3.1, "[w]here the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case". The Panel finds that the Complainant satisfied the threshold requirement of having trademark rights in the BACCARAT Mark.

The BACCARAT Mark is recognizable within the Disputed Domain Names as the BACCARAT Mark is used in its entirety, albeit misspelled by adding the letter "s" to the BACCARAT Mark. Such a minor modification to a disputed domain name is commonly referred to as "typosquatting" and seeks to wrongfully take advantage of errors by a user in typing a domain name into a web browser. The misspelling of the BACCARAT Mark to "baccarats" in the Disputed Domain Names does not prevent a finding of confusing similarity to the BACCARAT Mark. See WIPO Overview 3.1, section 1.9: "A domain name which consists of a variation of a trademark (typically a common, obvious, or intentional misspelling, referred to as typosquatting) is considered by panels to be confusingly similar to the relevant mark for purposes of the first element; *see also Express Scripts, Inc. v. Whois Privacy Protection Service, Inc. / Domaindeals, Domain Administrator*, WIPO Case No. D2008-1302; *Singapore Press Holdings Limited v. Leong Meng Yew*, WIPO Case No. D2009-1080.

Finally, the addition of a gTLD such as ".com" or ".store" in a domain name is a technical requirement. Thus, it is well established that, as here, such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark. See WIPO Overview 3.1, section 1.11.1. Thus, the Panel finds that the Disputed Domain Names are confusingly similar to the Complainant's BACCARAT Mark.

Based on the available record, the Panel finds that 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 (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.

In this case, given the facts as set out above, the Panel finds that the Complainant has made out a prima facie case. The Respondent has not submitted any arguments or evidence to rebut the Complainant's prima facie case. Furthermore, the Complainant has not authorized, licensed, or otherwise permitted the Respondent to use its BACCARAT Mark. Nor does the Complainant have any type of business relationship with the Respondent. There is also no evidence that the Respondent is commonly known by the Disputed Domain Names or by any similar name, nor any evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Names in connection with a bona fide offering of goods or services. See Policy, paragraph 4(c).

The Disputed Domain Names redirect to a website displaying and selling unauthorized goods bearing the BACCARAT Mark, and thus, the Respondent does not have rights or legitimate interests in the Disputed Domain Names. When Internet users arrive at the Respondent's website, they will find a site in which the Respondent attempts to pass off as the Complainant, purportedly offering (potentially counterfeit) perfumes to customers, including products bearing the trademarks of well-known third parties, which products compete with those offered by the Complainant on its official website. The Panel thus determines that the Respondent is not making a bona fide offering of goods nor a legitimate noncommercial or fair use of the Disputed Domain Names but rather is using the Disputed Domain Names for commercial gain with the intent to mislead the Complainant's customers into believing that they had arrived at the Complainant's website. The Panel also determines that the use of the Disputed Domain Names to pass off as the Complainant to offer competing or potentially counterfeit goods does not confer rights or legitimate interests on the Respondent. See WIPO Overview 3.1, section 2.13.1 ("Panels have categorically held that the use of a domain name for illegal activity *(e.g.,* the sale of counterfeit goods […] passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent."). Screenshots of the redirection of both Disputed Domain Names were submitted by the Complainant in Annexes to the Complaint to demonstrate the Respondent's passing off of the Complainant and its BACCARAT Mark.

In sum, the Panel finds that the Complainant has established an unrebutted prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Names.

Based on the available record, 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.

The Panel finds that based on the record, the Complainant has demonstrated the existence of the Respondent's bad faith registration and use of the Disputed Domain Names pursuant to paragraph 4(a)(iii) of the Policy. 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 3.1, section 3.2.1.

Panels have held that the use of a domain name for illegitimate activity, here, passing off, constitutes bad faith. WIPO Overview 3.1, section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Names constitute bad faith under the Policy due to the Respondent's passing off of the Complainant's website to offer competing or counterfeit goods to unwitting customers.

The Respondent attempted to pass off as the Complainant by creating a similar website purportedly offering BACCARAT-branded products, demonstrating bad faith. Therefore, it strains credulity to believe that the Respondent had not known of the Complainant or its BACCARAT Mark when registering the Disputed Domain Names. See *Myer Stores Limited v. Mr. David John Singh*, WIPO Case No. D2001-0763 ("a finding of bad faith may be made where the respondent 'knew or should have known' of the registration and/or use of the trademark prior to registering the domain name"). In this regard, the fact that the Respondent featured goods bearing the BACCARAT Mark on its website also indicates that the Respondent was aware of the Complainant and its goods. The Panel notes that the composition of the Disputed Domain Names, together with their use, affirms the Respondent's intention to take unfair advantage of the likelihood of confusion between the Disputed Domain Names and the Complainant as to the origin or affiliation of the website at the resolving Disputed Domain Names. In sum, the Panel finds that the Respondent had the Complainant's BACCARAT Mark in mind when registering the Disputed Domain Names, another example of bad faith.

The use of a domain name to intentionally attempt to attract Internet users to a respondent's website or online location by creating a likelihood of confusion with a complainant's mark as to the source, sponsorship, affiliation or endorsement of the registrant's website or online location for commercial gain demonstrates registration and use in bad faith. Here, the Respondent's registration and use of the Disputed Domain Names indicate that such registration and use had been done for the specific purpose of trading upon and targeting the name, mark, and goodwill of the Complainant. See *Madonna Ciccone, p/k/a Madonna v. Dan Parisi and "Madonna.com"*, WIPO Case No. D2000-0847 ("[t]he only plausible explanation for Respondent's actions appears to be an intentional effort to trade upon the fame of Complainant's name and mark for commercial gain").

Moreover, the Panel concludes that the Respondent's registration of the Disputed Domain Names was an attempt to disrupt the Complainant's business. See *Banco Bradesco S.A. v. Fernando Camacho Bohm*, WIPO Case No. D2010-1552. The Respondent's use of the Disputed Domain Names was also likely to confuse Internet users into incorrectly believing that the Respondent was authorized by or affiliated with the Complainant.

Based on the available record, the Panel finds that the third element of the Policy has been established

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 Names <baccarats.store> and <shopbaccarats.com> be transferred to the Complainant.

/Lynda M. Braun/
Lynda M. Braun
Sole Panelist
Date: April 24, 2026