



URS | DETERMINATION
(URS Procedure 9, URS Rules 13)

URS DISPUTE NO. 60F0D3A5

Determination DEFAULT

I. PARTIES

Complainant(s): BREITLING AG. (Switzerland)
Complainant's authorized representative: IP Twins (France)
Respondent(s): Domain Admin (Privacy Protect, LLC (PrivacyProtect.org) (United States)

II. THE DOMAIN NAME(S), REGISTRY OPERATOR AND REGISTRAR

Domain Names: breitlingtimepiecesoutlet.shop, breitlingwatchemporium.shop,
breitlingwatches.shop
Registry Operator: GMO Registry, Inc.
Registrar: PDR Ltd. d/b/a PublicDomainRegistry.com

III. PROCEDURAL HISTORY

Complaint submitted: 5 February 2025
Lock of the domain name(s): 12 February 2025
Notice of Complaint: 26 February 2025
Default Date: 12 March 2025
Notice of Default: 13 March 2025
Panel Appointed: 13 March 2025
Default Determination issued: 14 March 2025

IV. EXAMINER

Examiner's Name: Paddy Tam

The Examiner certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as the Examiner in this administrative proceeding.

V. RELIEF SOUGHT

The Complainant requests that the domain name be suspended for the balance of the registration period.

The Respondent has not submitted a Response.

VI. STANDARD OF REVIEW

Clear and convincing evidence.

VII. DISCUSSIONS AND FINDINGS

A. Complainant:

Founded in 1884, the Complainant is a renowned global manufacturer of timepieces, specializing in high-end chronographs, watches, and related accessories.

The Complainant holds numerous trademark rights worldwide in the term BREITLING, which is prominently used in connection with its products and services, including on the Complainant's official website at breitling.com. The Complainant's trademark rights significantly predate the registration of the Disputed Domain Names.

- International trademark BREITLING No. 279322 registered on 31 January 1964, duly renewed and designating goods in international class 14;
- International trademark BREITLING No. 160212 registered on 10 March 1952, duly renewed and designating goods in international class 14.

B. Respondent:

The Respondent did not submit a Response within the required period of time.

C. Procedural findings:

Having reviewed the communications records, the Examiner finds that MFSD has discharged its responsibility under the URS Procedure paragraphs 3 and 4 and URS Rules paragraph 4.

In accordance with URS Rules Paragraph 9(d), in absence of a Response, the language of the Determination shall be English.

D. Findings of fact:

The Registration Date of the Disputed Domain Names are:

- breitlingtimepiecesoutlet.shop: 2024-08-13
- breitlingwatchemporium.shop: 2024-08-14
- breitlingwatches.shop: 2024-08-15

Despite the Respondent has defaulted, the Examiner is still required to review the case on the merits of the claim. [URS 6.3]



E. Reasoning:

1. The domain name(s) is(are) identical or confusingly similar to a word mark

The Complainant claims rights in the BREITLING mark through its global trademark registrations. By virtue of its trademark registrations, Complainant has proved that it has rights in the mark under URS 1.2.6.1.

The Complainant further contends that the Disputed Domain Names are highly similar to its BREITLING trademarks, incorporating the mark in its entirety with the mere addition of descriptive terms such as “watches,” “timepieces,” “outlet,” and “emporium.” These additional terms do not reduce, but rather reinforce, the likelihood of confusion, as they directly relate to the Complainant’s core business of luxury timepieces. Upon comparison of the Complainant’s BREITLING trademark and the Disputed Domain Names, the Examiner finds that the Disputed Domain Names are confusingly similar to the Complainant’s trademark. The inclusion of such terms does not avoid a finding of confusing similarity.

For the foregoing reasons, the Panel finds that the Complainant has satisfied URS 1.2.6.1.

2. Respondent has no rights or legitimate interests to the domain name(s)

To satisfy URS 1.2.6.2, the Complainant must first make a prima facie case that the Respondent(s) lacks rights and legitimate interests in the domain name, and the burden of proof then shifts to the Respondent(s) to show it does have rights or legitimate interests.

The Complainant asserts that the Disputed Domain Names resolve to online stores offering BREITLING-branded watches at prices significantly below the standard retail value. The Complainant contends that the Respondent is impersonating the Complainant with the intent to deceive and defraud Internet users, and that the Disputed Domain Names are not being used for a bona fide offering of goods or services.

Upon review of the screenshots of the websites associated with the Disputed Domain Names, the Examiner observes that these websites prominently display the Complainant’s BREITLING logo and offer products bearing the BREITLING trademark for sale. See *LIVE FAST DIE YOUNG Clothing GmbH vs. Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf (IS)*, 52CF98EC (MFSD 2024-05-21) (“Above all, the website attached to the domain name is a fraudulent website which reproduces the Complainant’s trademark and sells clothes.”)

On this basis, the Examiner finds that the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Names and the Respondent has not rebutted the assertion within the required period of time.

For the foregoing reasons, the Panel finds that the Complainant has satisfied URS 1.2.6.2.

3. The domain name(s) was(were) registered and is(are) being used in bad faith

To satisfy URS 1.2.6.3, the Complainant must prove both the registration and use of the domain name are in bad faith.

The Complainant reiterates that, given the fame of the Complainant and its BREITLING trademark, the Respondent knew, or ought to have known, of the Complainant's rights in the BREITLING mark when registering the Disputed Domain Names. The Disputed Domain Names are highly similar to the Complainant's BREITLING trademarks, and the additional terms incorporated are directly related to the Complainant's business. Accordingly, a likelihood of confusion is presumed, and such confusion will inevitably divert Internet traffic away from the Complainant's official website to the Respondent's websites. The active use of the Disputed Domain Names in connection with fraudulent online shops constitutes a clear indicator of the Respondent's bad faith.

Having reviewed the screenshots of the websites to which the Disputed Domain Names resolve, and in the absence of any official Response from the Respondent, the Examiner finds that it is highly likely that the Respondent had actual knowledge of the Complainant's BREITLING trademark at the time of registration. This demonstrates bad faith registration. Furthermore, the Respondent's conduct disrupts the Complainant's business and seeks to unfairly profit from the BREITLING trademark, further evidencing bad faith use. See *Buffalo Boots GmbH vs. Chen Jing*, 23BAB0AE (MSFD September 1, 2018) ("The Complainant has provided evidence of the Respondent is selling what appears to be counterfeit goods at a significantly lower price on its website under the disputed domain names. The Respondent is also using the Complainant's figurative trademarks to promote the sale of what appears to be counterfeit goods. The Respondent is also posing as the Complainant. In so doing, the Respondent is disrupting the Complainant's business and intentionally attempting to attract Internet users to its websites for commercial gain by creating a likelihood of confusion with the Complainant's "Buffalo" mark.")

For the foregoing reasons, the Panel finds that the Complainant has satisfied URS 1.2.6.3.

4. Abusive Complaint

The Examiner finds that the Complaint was neither abusive nor contained material falsehoods.

VIII. DETERMINATION

A. Demonstration of URS elements

Demonstrated

B. Complaint and remedy

Complaint: Accepts

Domain Name(s): breitlingtimepiecesoutlet.shop, breitlingwatchemporium.shop,
breitlingwatches.shop

Suspends for the balance of the registration period



C. Abuse of proceedings

Finding of abuse of proceedings: Not finds

D. Publication

Publication: Publish the Determination

SIGNATURE

Name: Paddy

Surname: Tam

Date: 14 March 2025