

ADMINISTRATIVE PANEL DECISION

ELO v. Albert Poussin
Case No. D2025-3638

1. The Parties

The Complainant is ELO, France, represented by CSC Digital Brand Services Group AB , Sweden.

The Respondent is Albert Poussin, France.

2. The Domain Name and Registrar

The disputed domain name <auchan-portugal.com> is registered with Register SPA (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 9, 2025. On September 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 10, 2025, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 15, 2025, 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 amended Complaint on September 17, 2025.

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 the Respondent of the Complaint, and the proceedings commenced on September 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 8, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 13, 2025.

The Center appointed Benjamin Fontaine as the sole panelist in this matter on October 15, 2025. 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 ELO, previously known as Auchan Holding SA, a holding company that brings together three complementary companies, among which Auchan Retail International, a multinational retail group. Auchan Retail International operates in 12 countries, across Europe and Africa and employs over 157, 648 employees; its consolidated revenue was EUR 31, 666 billion in 2024.

The Complainant is the owner of several trademarks including “AUCHAN”, among which:

- European Union trademark AUCHAN (and design) registered under n° 000283101 on August 19, 2005;
- European Union trademark AUCHAN (and design) registered under n° 004510707 on January 19, 2007;

The disputed domain name <auchan-portugal.com> was registered on August 13, 2025.

At the time of the present Decision, the disputed domain name resolves to a parking page of a registrar. According to the Complainant, it redirected previously to a blank page. MX servers were configured.

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, first, that the disputed domain name is confusingly similar to its earlier trademark AUCHAN. Indeed, the Complainant contends that the disputed domain name <auchan-portugal.com> can be considered as capturing, in its entirety, Complainant's AUCHAN trademark and simply adding the geographical term “Portugal” and a hyphen. The mere addition of this term does not negate the confusing similarity between the disputed domain name and the Complainant's trademark.

Then, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant asserts that the Respondent is not sponsored by or affiliated with the Complainant in any way. The Complainant contends that it has not given to the Respondent permission to use Complainant's trademark in any manner, including in domain names. The Complainant contends that the Respondent is not commonly known by the disputed domain name.

The Complainant claims that, as the Respondent is using the disputed domain name to direct Internet users to a website that resolves to a blank page and lacks content, the Respondent has failed to make use of this disputed domain name's website and has not demonstrated any attempt to make legitimate use of them.

Third, the Complainant claims that the disputed domain name was registered and is being used in bad faith.

The Complainant claims that its trademarks AUCHAN are known internationally, with trademark registrations across numerous countries. The Complainant asserts that, at the time of registration of the disputed domain name, the Respondent knew, or at least should have known, of the existence of the Complainant's trademarks. The Complainant also contends that a passive holding of a domain name can constitute a factor in finding bad faith registration and use. The Complainant claims that the disputed domain name can only be taken as intending to cause confusion among Internet users.

Finally, the Complainant contends that the disputed domain name has active MX records, which could potentially be used for phishing purposes.

B. Respondent

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

6. Discussion and Findings

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 Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here, the word "portugal" and a hyphen, may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving 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 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Also, the Panel notes that the composition of the disputed domain name, which associates the Complainant's trademark and the name of a country, entails a risk of implied affiliation with the Complainant. This reinforces the strong presumption of lack of legitimate interest of the Respondent over the disputed domain name.

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.

Panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the inherent distinctiveness of the Complainant’s trademark, its outstanding reputation, particularly in France where the Respondent is domiciled, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. Clearly, any user is likely to believe that the disputed domain name hosts the official website of the Complainant for the Portuguese market.

Also, the Panels notes that the Respondent has not used the disputed domain name as it redirected to a blank page, but has configured MX servers, which carries a risk of being potentially used as part of a phishing scam, particularly noting the composition of the disputed domain name.

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 <auchan-portugal.com> be transferred to the Complainant.

/Benjamin Fontaine/

Benjamin Fontaine

Sole Panelist

Date: October 17, 2025.