

## **ADMINISTRATIVE PANEL DECISION**

Cdiscount v. Name Redacted  
Case No. D2025-0455

### **1. The Parties**

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

The Respondent is Name Redacted.

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

The disputed domain name <cdiscount-fr.com> is registered with Tucows Domains Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 5, 2025. On February 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 5, 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 February 6, 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 February 7, 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 February 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 3, 2025. The Respondent did not submit any response. On March 3, 2025, a third-party registered as technical contact for the disputed domain name has made an email communication to the Center, clarifying that it was not the registrant of the disputed domain name. On March 4, 2025, the Center informed the Parties about the commencement of panel appointment process.

The Center appointed Christopher J. Pibus as the sole panelist in this matter on March 11, 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.

As a preliminary matter, the Panel has issued an Order in the form of Annex A to replace the name of the respondent with “Name Redacted”, as it appears the Respondent has concealed its true identity and adopted a false name, which is similar to the Complainant’s name and could cause confusion.

#### **4. Factual Background**

The Complainant belongs to the Casino Group, a French multinational retail company. The Complainant’s business was founded in 1999. Since its inception, the Complainant has operated a French e-commerce website offering a wide range of products and services, including consumer goods, appliances, high tech items, and travel services. The Complainant currently has 16 million customers, generating 85,000 average sales per day. Its 2023 revenue was EUR 2,741 million.

Over time, the Complainant has developed a significant Internet presence through its primary website at “cdiscount.com”, with 39.3 million visits during the period September-November 2024. It owns a large portfolio of domain names, including more than 600 which contain the CDISCOUNT trademark.

The Complainant has used its CDISCOUNT-formative marks in commerce for more than 20 years and owns the following registrations among its international portfolio:

- CDISCOUNT, European Union trademark Registration No. 006786156, dated April 17 2009, in Class 9, 35, 36, 37, 38, 39, 40, 41, 43; and
- CDISCOUNT, French trademark Registration No. 3558719, dated August 1, 2008, in Class 9, 35, 36, 37, 38, 39, 40, 41, 43.

The disputed domain name was registered on July 2, 2024 and resolves to an inactive website.

The Complainant sent a cease and desist letter to the Respondent. The Respondent replied stating: “At the moment, this domain is useless to me, and I am not using it. Even if I were using it, you could easily report it for suspension,” and requested conditions of the transfer as well as the possible discussion of sale for a reasonable purchase price. In response, the Complainant offered to reimburse the Respondent for the registration costs of the disputed domain name if the Respondent supplied the relevant documentation to support the costs. The Respondent refused to supply such documentation and offered the disputed domain name for sale for USD1000. The Complainant accepted the cost and explained the transfer process, offering various options to transfer, which included a platform that enabled the simultaneous transfer of a domain name to the buyer and the payment to the seller. The Respondent rejected the offer, insisting the payment for the disputed domain name be made first. The efforts to solve the matter before the filing of the Complaint were unsuccessful.

#### **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 that its trademarks are well-known in France and internationally for its online retail platform and significant associated sales since 1999. In the circumstances, the Complainant urges the Panel to find deliberate targeting of the well-known CDISCOUNT mark for improper purposes.

## **B. Respondent**

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

## **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, in order to succeed, the Complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

### **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 provided evidence of the existence of relevant trademarks, by providing proof of a number of registrations including those listed in paragraph 4 above. The Panel concludes that the Complainant has established that it owns sufficient rights, for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the CDISCOUNT mark is reproduced within the disputed domain name and the Panel finds the mark is recognizable 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, "-fr", 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. In particular, the Panel notes the Complainant's submissions to the effect that the Respondent has not been licensed or sponsored by, or otherwise affiliated with the Complainant in any way. The Respondent has not been commonly known by the disputed domain name and has only identified itself by providing false names and contact information. The Complainant draws attention to the fact that the disputed domain name resolves to a blank page lacking any content, and that Email Exchange ("MX") records have been configured, creating a potential platform for phishing and other fraudulent misconduct. The Respondent has also offered for sale 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.

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.

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 3.0](#), section 3.2.1. In this matter the Panel has regard to the following factors which support a finding of bad faith:

- the Complainant has used its mark for more than 20 years before the registration of the disputed domain name;
- the CDISCOUNT trademark has acquired a significant reputation through massive sales and Internet presence, such that it is likely the Respondent was fully aware of the mark;
- the composition of the disputed domain name (namely the CDISCOUNT mark with the addition of the abbreviation "-fr" which is the geographical designator for France where the Complainant is headquartered);-
- the Respondent has taken steps to conceal its identity through the adoption of a false name and contact information;
- the Respondent has configured MX records for the disputed domain name, which creates a potential platform for phishing and fraud;
- the Respondent has offered for sale the disputed domain name; and
- the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

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 <cdiscount-fr.com> be transferred to the Complainant.

*/Christopher J. Pibus/*

**Christopher J. Pibus**

Sole Panelist

Date: March 25, 2025