

## ADMINISTRATIVE PANEL DECISION

ELO v. sdsd fdf

Case No. D2025-4852

### 1. The Parties

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

The Respondent is sdsd fdf, France.

### 2. The Domain Name and Registrar

The disputed domain name <auchan.lat> is registered with Dynadot Inc (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 21, 2025. On November 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 24, 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 (DT), Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 28, 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 December 1, 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 December 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 26, 2025.

The Center appointed Elise Dufour as the sole panelist in this matter on December 31, 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, ELO, formerly known as Auchan Holding SA, is a French holding company and the parent entity of the Auchan group, a major international retail group founded in 1960. The Complainant is headquartered in Croix, France, and has business operations in 13 countries across Europe, Africa, and Asia.

The Complainant owns an extensive portfolio of trademark registrations for the mark AUCHAN in numerous jurisdictions worldwide, including registrations in France, the European Union, and at the international level. These include, inter alia:

- French trademark AUCHAN No. 1258525 registered on June 5, 1984, in classes 1 to 45;
- International trademark AUCHAN No. 952847 registered on August 10, 2007, in classes 9, 35 and 38; and
- European Union trademark AUCHAN No. 000283101 registered on August 19, 2005, in classes 1 to 42.

By decision of its shareholders dated March 11, 2021, the Complainant changed its corporate name from Auchan Holding SA to ELO, while retaining all legal characteristics of the entity. This change was intended, inter alia, to reserve the name “Auchan” for the group’s retail activities, which are primarily carried out by Auchan Retail International.

Auchan Retail International is a multinational retail group operating hypermarkets, supermarkets, convenience stores, and e-commerce platforms in multiple countries.

The Complainant has a substantial Internet presence and operates official websites, including those associated with the domain names <auchan.com> and <auchan.fr>, registered in 1996 and 1997 respectively, through which it promotes and offers its goods and services.

The disputed domain name was registered on November 10, 2025.

At the time of filing the Complaint, the disputed domain name resolved to a website that imitated the Complainant’s official website, reproducing the AUCHAN trademark, logo, and overall look and feel, thereby creating the false impression that the website was operated by, or affiliated with, the Complainant.

As of the date of this Decision, the disputed domain name no longer resolves to an active website and instead points to an error page.

#### **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 the disputed domain name is identical to its AUCHAN trademark.

The Complainant emphasizes that the disputed domain name consists exclusively of the AUCHAN mark, without any additional terms or elements capable of dispelling confusion. According to the Complainant, the Top-Level Domain “.lat” is a mere technical requirement of registration and should be disregarded when

assessing identity or confusing similarity under the Policy. The Complainant therefore argues that the requirement of paragraph 4(a)(i) of the Policy is clearly satisfied.

Second, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant states that it has not licensed, authorized, or otherwise permitted the Respondent to use the AUCHAN trademark, whether in a domain name or otherwise. The Respondent is not affiliated with the Complainant and is not commonly known by the name "Auchan".

The Complainant further contends that the Respondent has not made, and could not plausibly make, any bona fide offering of goods or services using the disputed domain name. On the contrary, according to the Complainant, the disputed domain name was used to host a website that deliberately imitated the Complainant's official website, reproducing its trademark, logo, and overall visual presentation. Such use, the Complainant argues, constitutes impersonation and cannot give rise to any rights or legitimate interests under paragraph 4(c) of the Policy. The Complainant adds that the subsequent deactivation of the website does not confer legitimacy on the Respondent's conduct.

Third, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant argues that the AUCHAN trademark is highly distinctive and well known internationally, and that it is inconceivable that the Respondent was unaware of the Complainant and its rights at the time of registration of the disputed domain name.

According to the Complainant, the Respondent's choice of the disputed domain name identical to the AUCHAN trademark, combined with the use of that domain name for a website imitating the Complainant's official website, demonstrates an intentional attempt to create a likelihood of confusion among Internet users as to the source, sponsorship, affiliation, or endorsement of the website. The Complainant submits that such conduct falls squarely within the example of bad faith set out in paragraph 4(b)(iv) of the Policy.

The Complainant further submits that the Respondent provided manifestly inaccurate or false contact details in the registration of the disputed domain name, including incoherent information relating to name, address, and country, which the Complainant contends was intended to conceal the Respondent's true identity and hinder enforcement actions. According to the Complainant, the provision of such erroneous registration data constitutes an additional indicium of bad faith registration and use.

On the basis of the foregoing, the Complainant requests that the disputed domain name be transferred to it in accordance with paragraph 4(i) of the Policy.

## **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 identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

The Respondent has not demonstrated any bona fide offering of goods or services, nor is the Respondent commonly known by the disputed domain name. The Complainant has established that the Respondent is not affiliated with, licensed by, or otherwise authorized to use the Complainant’s trademark.

The disputed domain name resolved to a website with a similar look and feel as that of the Complainant displaying the AUCHAN trademark and logo. The use of the Complainant’s trademark in this manner suggests that the Respondent is attempting to mislead Internet users into believing that the disputed domain name is legitimate or connected to the Complainant.

The Respondent’s former use of the disputed domain name constitutes an act of passing off and an attempt to impersonate the Complainant by displaying its trademark and purporting to offer products associated with the Complainant. The Panel finds that such conduct is intended to deceive Internet users and may expose them to harm.

Panels have held that the use of a domain name for illegitimate activity here, claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Furthermore, noting the composition of the disputed domain name, the Panel finds that it carries a high risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

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.

In the present case, the Panel considers that the Respondent had, at a minimum, constructive knowledge of the Complainant’s ownership of the AUCHAN trademark. In light of the worldwide reputation of the AUCHAN mark and its extensive online presence, the Panel finds it highly unlikely that the Respondent was unaware

of the Complainant's rights at the time of registration of the disputed domain name ([WIPO Overview 3.0](#), section 3.1.4).

The Panel further notes that the disputed domain name was previously used to resolve to a website reproducing the Complainant's logo and visual identity. Such use created a false impression of affiliation with the Complainant and constituted an act of passing off. By intentionally seeking to mislead Internet users and divert them through confusion as to source, sponsorship, affiliation, or endorsement, the Respondent engaged in conduct falling squarely within the example of bad faith described in paragraph 4(b)(iv) of the Policy.

Although the disputed domain name currently resolves to an error page, this subsequent deactivation does not alter the Panel's assessment. The prior use of the disputed domain name for impersonation purposes is sufficient to demonstrate an intentional attempt to attract Internet users by creating a likelihood of confusion, and thus evidences bad faith registration and use.

The Panel recalls that the circumstances listed in paragraph 4(b) of the Policy are non-exhaustive and that other factors may be taken into account in assessing bad faith ([WIPO Overview 3.0](#), section 3.2.1). Panels have consistently held that the use of a domain name for illegitimate activity, including impersonation or passing off, constitutes bad faith under the Policy ([WIPO Overview 3.0](#), section 3.4).

Finally, the Panel notes that the Respondent provided manifestly fanciful and inaccurate contact details in connection with the registration of the disputed domain name, including inconsistent and implausible information regarding identity and location. The Panel considers that the use of such fictitious registration data constitutes an additional indicium of bad faith, as it reflects an intention to conceal the Respondent's true identity and to evade accountability for the registration and use of the disputed domain name.

In light of the foregoing, 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.lat> be transferred to the Complainant.

*/Elise Dufour/*

**Elise Dufour**

Sole Panelist

Date: January 19, 2026