

## **ADMINISTRATIVE PANEL DECISION**

Jung SAS v. Jack Horel, Back Market  
Case No. D2026-1506

### **1. The Parties**

The Complainant is Jung SAS, France, internally represented.

The Respondent is Jack Horel, Back Market, United States of America (“United States”).

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

The disputed domain name <backmarketfr.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 April 9, 2026. On April 9, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same date, 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 (Contact Privacy Inc. Customer 0177314516) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 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 April 21, 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 April 22, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 12, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 13, 2026.

The Center appointed Alistair Payne as the sole panelist in this matter on May 20, 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, based in France, has since 2014 operated an online global marketplace dedicated exclusively to refurbished technological products. It provides Internet users with access to electrical and electronic goods, such as smartphones, computers and televisions, which have been refurbished by verified technicians. It owns various domain names, including in particular <backmarket.com> and <backmarket.fr> from which it operates its commercial websites. It also owns various trade mark registrations for, or which incorporate its BACK MARKET trade mark, including International Registration 1415150 registered on January 17, 2018 which is protected in various jurisdictions and in particular in the European Union and the United States.

The disputed domain name was registered on January 29, 2026 and according to the Complainant's evidence at the date of filing of the Complaint resolved to a website which appears to have featured the BACK MARKET mark and almost identical advertisements for reconditioned computers to those on the Complainant's website.

#### **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 it has not licensed, authorised, or otherwise permitted the Respondent to use the BACK MARKET trade mark, whether in a domain name or otherwise. The Complainant says that the Respondent is not affiliated with it in any way and is not commonly known by the name "Back Market" or by the disputed domain name. It further says that the website operating at the disputed domain name prominently uses the designation "Back Market" and purports to offer technology-related products in a manner likely to mislead Internet users into believing that the website is operated by, affiliated with, or endorsed by the Complainant. It also submits that the website contains various indicia of deception or lack of legitimacy, including inconsistent contact information and use of third-party support email addresses at the "@thesupport.care" domain, namely using the term "help" together with "backmarketfr" followed by "@thesupport.care" and similarly with "frnetstock", as well as a disclosed address in Albuquerque, New Mexico, United States and this is in spite of the disputed domain name clearly targeting French Internet users through use of the suffix "fr" and of French-language website content.

According to the Complainant, such use cannot constitute a bona fide offering of goods or services and also cannot amount to legitimate noncommercial or fair use of the disputed domain name. The Complainant, rather submits that the Respondent is using the disputed domain name to trade off the goodwill and reputation attaching to the Complainant's trade mark and to divert Internet users expecting to reach the Complainant's official "Black Market" website.

As far as registration and use in bad faith is concerned the Complainant submits that the Respondent was plainly aware of the Complainant and of its BACK MARKET trademark when it registered the disputed domain name. It notes in this regard that the disputed domain name reproduces the Complainant's trade mark BACK MARKET in its entirety and merely adds the geographical abbreviation "fr", which is commonly understood as a reference to France. The Complainant says that this combination is clearly designed to suggest that the disputed domain name is the official French website belonging to the Complainant. According to the Complainant, the Respondent is deliberately taking advantage of the notoriety and attractive

power of the BACK MARKET mark by using it in the disputed domain name to resolve to a website which prominently uses the “Back Market” sign, displays French-language content, and offers technology-related products in a manner that is liable to make Internet users believe that they are dealing with the Complainant, or with a website officially affiliated with, or endorsed by, the Complainant and aimed at French speaking customers. The Complainant says that the Respondent is using the Complainant’s well-known mark as a bait to attract Internet users for commercial gain and that such conduct falls squarely within paragraph 4(b)(iv) of the Policy.

The Complainant also notes that the fact that the Respondent used a privacy service while the website displayed separate contact details in the United States, despite targeting French-speaking consumers, is further indicative that the Respondent registered and used the disputed domain name in order to conceal its identity and to support its misleading commercial scheme.

## **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 trade mark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 3.1](#), section 1.7.

Although the addition of other terms, here, the geographical abbreviation for France, “fr”, may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 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.

The Complainant has submitted that it has not licensed, authorised, or otherwise permitted the Respondent to use the BACK MARKET trade mark, whether in a domain name or otherwise. It has also contended that it is not affiliated with the Respondent in any way and is not commonly known by the name “Back Market”, or by the disputed domain name. It notes that, at the date of filing of the Complaint, the website operating at the disputed domain name prominently used the designation “Back Market” and purported to offer technology-related products in a manner likely to mislead Internet users into believing that the website was operated by, affiliated with, or endorsed by the Complainant. Although the website at the disputed domain name was not active when reviewed by the Panel, based on the Complainant’s screenshot evidence and comparison of the respective websites at the date of filing, the Panel notes an extremely close similarity of the website at the disputed domain name to the extent that Internet users could easily be confused into believing that it was the Complainant’s website. The fact that the Respondent used the name “Back Market” as part of the registrant details for the disputed domain name does not give rise to rights or legitimate interests in the disputed domain name, as the selection of the name “Back Market” was due to the Complainant’s BACK MARKET trade mark.

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 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.

In the present case, the Panel notes that the disputed domain name was only registered in 2026 many years after the registration of the Complainant’s BACK MARKET trade mark and a long time after the commencement of its business. That the disputed domain name contains the “fr” abbreviation for France and the website to which it resolves contains nearly identical reproductions of French language advertisements at the Complainant’s websites for the same kind of products and using the BACK MARKET mark on the website, creates an overwhelming inference that the Respondent was well aware of the Complainant’s trade mark and business when it registered the disputed domain name.

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.

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of a disputed domain name in bad faith where a respondent has used a disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant’s trade mark as to the source, sponsorship, affiliation or endorsement of the website.

In this case the Respondent has used the disputed domain name to divert Internet users to its website at which it masquerades as if it is the Complainant, or is affiliated with the Complainant, without distinguishing itself properly, or using a disclaimer. The website to which the disputed domain name resolves, contains advertisements in almost identical form to those on the Complainant’s website and similarly offers reconditioned computers for sale. It also features the use of the BACK MARKET mark. Internet users could easily have been confused into thinking that this was the official French site, or affiliated French language site of the Complainant, even if, as noted by the Complainant, it contained contact details in the United States. This amounts to conduct in terms of paragraph 4(b)(iv) of the Policy and is evidence of registration and use of the disputed domain name in bad faith under the Policy.

The fact that, in these circumstances, the Complainant used a privacy service to mask its identity although the website at the disputed domain name displayed contact details in the United States while really targeting French-speaking consumers only reinforces the Panel's finding of the Respondent's bad faith.

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 <backmarketfr.com> be transferred to the Complainant.

*/Alistair Payne/*

**Alistair Payne**

Sole Panelist

Date: May 28, 2026