

ADMINISTRATIVE PANEL DECISION

ELO v. Alex Green

Case No. D2026-1640

1. The Parties

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

The Respondent is Alex Green, Poland.

2. The Domain Name and Registrar

The disputed domain name <ашан.com> [xn--80aa3b2b.com] is registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 17, 2026. On April 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 20, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 18, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 19, 2026.

The Center appointed Assen Alexiev 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, previously named Auchan Holding SA, is a holding company that includes Auchan Retail International, a multinational retail group founded in 1960 that operates the Auchan chain of hypermarkets, convenience and supermarket stores, e-commerce websites and drive outlets. The Auchan chain was named after the Hauts-Champs¹ neighbourhood in Roubaix, France, where its first shop was opened in 1961.

“Ашан” is the Cyrillic version of the Complainant’s Auchan brand and is the corporate identifier (“Ашан Ритейл Россия”, i.e., “Auchan Retail Russia”) used by the Complainant for its operations in the Russian Federation market. Auchan Retail Russia opened its first store in the Russian Federation in 2002, and currently has a total of 230 stores with 30,000 employees there. The Complainant uses the domain name <auchan.ru>, registered on February 7, 2001, for its official website for the Russian Federation.

The Complainant is the owner of a number of trademark registrations for AUCHAN and АШАН (the “AUCHAN trademark” and the “АШАН trademark”, respectively), including:

– the International trademark AUCHAN with registration No. 625533, registered on October 19, 1994 for goods and services in International Classes 1 to 42 in multiple jurisdictions, including Poland (where the Respondent appears to be located) and the Russian Federation; and

– the Russian Federation trademark АШАН with registration No. 250831, registered on July 7, 2003, for goods and services in International Classes 1 to 42.

The disputed domain name was registered on March 9, 2026. The disputed domain name resolves to an inactive webpage.

5. Parties’ Contentions

A. Complainant

The Complainant states that the disputed domain name is identical to its АШАН trademark, because it consists solely of this trademark.

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain name, because it is not commonly known by it, is not affiliated with the Complainant, and the Complainant has not permitted it to use the Complainant’s trademarks or to register domain names incorporating them. The Complainant points out that the disputed domain name is inactive and was registered on March 9, 2026, when the Complainant’s AUCHAN trademark had already gained a worldwide reputation. According to the Complainant, the disputed domain name carries a high risk of implied affiliation with the Complainant.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant states that its AUCHAN and АШАН trademarks are known internationally, with trademark registrations across numerous countries, including in the Russian Federation and Poland. The Complainant states that it has marketed and sold its goods and services worldwide using the AUCHAN trademark since 1961, and has been trading under the name АШАН in the Russian Federation since 2002, which is many years before the Respondent’s registration of the disputed domain name. According to the Complainant, the Respondent must therefore have registered the disputed domain name with knowledge of the Complainant’s brand and business.

¹ In French, “Hauts-Champs” and “Auchan” are pronounced the same.

The Complainant notes that the disputed domain name is inactive, but since it is identical to the Complainant's АШАН trademark, there is no plausible good faith reason for the Respondent to have registered it. According to the Complainant, the Respondent's intention is to hold the disputed domain name for some future active use in a way which would be competitive with or otherwise detrimental to the Complainant.

The Complainant adds that the Respondent has ignored the Complainant's attempts to amicably resolve this dispute.

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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of the АУСНАН and АШАН trademarks for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the АШАН trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the АШАН trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

The Panel also finds the АУСНАН trademark is recognisable within the disputed domain name, as it incorporates the Cyrillic transliteration of this trademark. Accordingly, the disputed domain name is confusingly similar to the АУСНАН trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.14.

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 recognised 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.

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 disputed domain name is identical to the АШАН trademark and is confusingly similar to the АУСНАН trademark. The Complainant has widely used these two distinctive trademarks for a long time in many countries, and the results of simple Internet searches for “auchan” and “ашан” suggest that these two terms are solely related to the Complainant. The disputed domain name thus carries a high risk of implied affiliation with the Complainant. [WIPO Overview 3.1](#), section 2.5.1.

The Respondent is not using the disputed domain name and has not provided the Panel with any plausible explanation why it was registered and how the Respondent plans to use it.

Considering the above, and in the absence of any evidence that any of the scenarios listed in paragraph 4(c) of the Policy may be present, the Panel concludes that the Complainant’s prima facie case has remained unrebutted.

Therefore, 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.

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.

Panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3.

Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant’s АШАН and АУСНАН trademarks, the composition of the disputed domain name, which is identical, respectively confusingly similar to these trademarks and carries a high risk of implied affiliation with them, and the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use of the disputed domain name. In this situation, the Panel is not aware of any plausible good faith use to which the disputed domain name may be put.

Therefore, the Panel concludes that in the circumstances of this case the passive holding of the disputed domain name constitutes 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 <ашан.com> (<xn--80aa3b2b.com>) be transferred to the Complainant.

/Assen Alexiev/

Assen Alexiev

Sole Panelist

Date: May 28, 2026