

ADMINISTRATIVE PANEL DECISION

O2 Developpement v. Juan Martinez

Case No. D2026-2622

1. The Parties

The Complainant is O2 Developpement, France, represented by CASALONGA, France.

The Respondent is Juan Martinez, Afghanistan.

2. The Domain Name and Registrar

The disputed domain name <o2fr.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 16, 2026. On June 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 18, 2026, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 19, 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 amended Complaint on June 24, 2026.

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 June 25, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 15, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 17, 2026.

The Center appointed Adam Taylor as the sole panelist in this matter on July 27, 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 has offered a range of personal and household services in France under the mark O2 since 1996. The Complainant currently has some 18,000 employees and 74,000 customers. In 2025, the Complainant's turnover was approximately EUR 50 million.

The Complainant owns a number of registered trade marks for O2 including French trade mark No. 4770042, registered on April 8, 2022.

The Complainant operates a website at "www.o2.fr". The Complainant owns a number of other domain names that comprise the term "o2" plus a geographical identifier, e.g., <o2-polynesie.com> and <o2reunion.com>, and redirect to the Complainant's main website.

The disputed domain name was registered on August 21, 2025.

The disputed domain name has generated a phishing warning when accessed.

When visited by the Panel, the disputed domain name did not resolve to an active 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.

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, “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 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.

As to paragraph 4(c)(i) of the Policy, there is no evidence that the disputed domain name is being, or ever has been, used for an active website, let alone for a bona fide offering of goods or services.

Nor is there any evidence that paragraphs 4(c)(ii) or (iii) of the Policy are relevant in the circumstances of this case.

The Panel finds the second element of the Policy has been established.

C. Registered and Used 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, in looking at the totality of circumstances, the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy under the doctrine of passive holding. [WIPO Overview 3.1](#), section 3.3.

Having reviewed the record, the Panel considers that the following circumstances are indicative of passive holding in bad faith:

1. the distinctiveness and fame of the Complainant’s mark in France;
2. the correspondence between the disputed domain name and (a) the Complainant’s domain name, namely <o2.fr>, and (b) the Complainant’s pattern of domain names that comprise the term “o2” plus a France-related geographical identifier (see section 4 above);
3. the fact that the disputed domain name generated a phishing warning;
4. the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use;

5. the Respondent's use of plainly false contact details, e.g., combining Spanish geographical references with Afghanistan as the country of residence; and
6. taking the above factors into consideration, the implausibility of any potential good faith use to which the disputed domain name may be put in light of its composition.

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 <o2fr.com> be transferred to the Complainant.

/Adam Taylor/

Adam Taylor

Sole Panelist

Date: August 10, 2026