ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
JUNG SAS v. Amy Wang
Case No. D2026-4179

1. The Parties

The Complainant is JUNG SAS, France, internally represented.

The Respondent is Amy Wang, United States of America.

2. The Domain Name and Registrar

The disputed domain name <mybackmarket.shop> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 17, 2026. On September 18, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 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-protected registrant) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 22, 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 September 22, 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 September 24, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 14, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 15, 2026.

The Center appointed Mehmet Polat Kalafatoglu as the sole panelist in this matter on October 21, 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 is a simplified joint-stock company incorporated under the laws of France. It is the owner of rights in the BACK MARKET trademark. It is the operator of the Back Market online marketplace for refurbished tech devices.

The Complainant submits that it is the owner of rights in the BACK MARKET trademark, including without limitation the following trademark registration:

- the International trademark registration No. 1514729 for BACK MARKET with a design element (an arrow between the two words that goes into the letter K), registered on November 19, 2019.

The disputed domain name was registered on August 27, 2026. It previously resolved to an active website which prominently displayed the Complainant's trademark, copied the Complainant's website design, and purportedly offered refurbished technology products such as computers and mobile phones. At the time of this Decision, the disputed domain name is inaccessible and displays a "You've requested a page on a website (mybackmarket.shop) that is on the Cloudflare network. Cloudflare is currently unable to resolve your requested domain"..

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 confusingly similar to the Complainant's trademark, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the disputed domain name was registered and is being used in bad faith.

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 a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the mark, except for the design element described above, 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, "my", 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.

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. First, the Panel considers the Complainant's unrefuted statements that it has not licensed, authorized, or otherwise permitted the Respondent to use its trademark in the disputed domain name or otherwise, and that the Respondent is not affiliated with the Complainant. Second, nothing in the available record suggests that the Respondent is commonly known by the disputed domain name. Third, the Panel considers the Complainant's unrebutted evidence regarding the previous use of the disputed domain name. The disputed domain name, which fully incorporates the Complainant's trademark except for the design element and with the addition of the term "my", previously resolved to a website that prominently displayed the Complainant's trademark, copied the Complainant's website design, and purportedly offered refurbished technology products (the same business activity as the Complainant). In addition, the website did not contain any disclaimer to disclose the Respondent's lack of relationship with the Complainant. Therefore, the Panel finds that the Respondent used the disputed domain name with the objective to impersonate or to falsely suggest an affiliation or connection with the Complainant. This conduct does not constitute a bona fide offering of goods or services under the Policy. This determination is further supported by the fact that the disputed domain name is currently inaccessible and displays a secure connection warning.

By failing to submit a Response, 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.

Accordingly, 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 3.1, section 3.2.1.

In the present case, the Panel notes the registration dates of the disputed domain name and the Complainant's trademark; the composition of the disputed domain name; and, in particular, the previous use of the disputed domain name and the content of the related website as described above. Under these circumstances, the Panel concludes that the Respondent knew of the Complainant's trademark and business at the time of registering the disputed domain name.

Considering the previous use of the disputed domain name described above, the Panel finds that the Respondent, by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of its website.

The Panel considers the fact that the disputed domain name is currently inaccessible as further element in establishing the Respondent's bad faith.

Based on the available record, 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 <mybackmarket.shop> be transferred to the Complainant.

/Mehmet Polat Kalafatoglu/
Mehmet Polat Kalafatoglu
Sole Panelist
Date: November 4, 2026