ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Coopérative U v. Marcel Dufour
Case No. D2026-4228

1. The Parties

The Complainant is Coopérative U, France, represented by Plasseraud IP Avocats, France.

The Respondent is Marcel Dufour, Germany.

2. The Domain Name and Registrar

The disputed domain name <magasins-u-b2b.com> is registered with Combell NV (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 21, 2026. On September 21, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 22, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 24, 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 25, 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 29, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 19, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 23, 2026.

The Center appointed Benoit Van Asbroeck as the sole panelist in this matter on October 28, 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 French merchants' cooperative based in Rungis, France, active in food purchasing and retail distribution, which started its activities in 1922. The Complainant's retail network operates under brands including SUPER U, HYPER U and U EXPRESS, and its stores (mini-markets, hypermarkets, supermarkets) are collectively referred to as "Magasins U" in France and outside France. The Complainant operates its principal website at <magasins-u.com>.

The Complainant is the owner of registered in France, amongst which:

– LES MAGASINS U, French word mark No. 1481416, registered on January 20, 1989, covering goods and services in classes 1 to 42;

– WWW.MAGASINS-U.COM, French word and figurative mark No. 3508451, registered on November 23, 2007, covering services in classes 35 and 38, including retail-related, advertising and telecommunications services; and

– U S.A.V MAGASINS-U.COM, French word and figurative mark No. 4287229, registered on February 3, 2017, covering services in classes 35, 36, 37 and 38, including commercial assistance, warranty, repair and communications services.

The above trademarks will be collectively referred to as the "MAGASINS U trademarks".

The disputed domain name was registered on July 29, 2026.

At the time of filing of the Complaint, the disputed domain name resolved to a standard holding page supplied by the Registrar, stating that the domain name had been reserved and promoting the Registrar's services. Furthermore, the Complainant found out that Mail Exchanger (MX) records are associated with the disputed domain name.

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.

The Complainant submits that the disputed domain name is confusingly similar to its MAGASINS U trademarks because the element "magasins u" remains recognizable notwithstanding the hyphens and the addition of "b2b", an abbreviation of "business-to-business". The Complainant argues that this addition suggests a connection with its commercial relationships and cooperative structure. The Complainant also submits that the generic Top-Level Domain ("gTLD") ".com" should be disregarded for the purposes of this assessment.

The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant asserts that it has never authorised the Respondent to use its MAGASINS U trademarks or to register domain names incorporating its trademarks. The Complainant further claims that the Respondent is not commonly known by the disputed domain name. The Complainant also contends that the Respondent has not used nor made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services.

Finally, the Complainant relies on the earlier registration and reputation of its trademarks, the similarity of the disputed domain name to its principal domain name, and the passive holding of the disputed domain name to claim that the Respondent has registered and is using the disputed domain name in bad faith. The Complainant submits that the MX records create a risk of fraudulent email use and fears unfair use since these records seem to enable the Respondent to send emails from addresses ending in "@magasins-u-b2b.com". Moreover, it appears that the Respondent's disclosed contact details are inaccurate, where the postal address corresponds to a hotel, the telephone number falls within a paging-services range, and the contact email address incorporates the name of another well-known retailer in Germany. The Complainant submits that the Respondent's use of false or fictitious contact information when registering the disputed domain name is indicative of bad faith.

The Complainant requests the transfer of the disputed domain name.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that the disputed domain name is identical or confusingly similar to a trademark or service mark in which it has rights; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name has been registered and is being used in bad faith.

The Panel will proceed to analyse whether the three elements of paragraph 4(a) of the Policy are satisfied in the present case.

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 demonstrated rights in respect of a trademark or service mark for the purposes of the Policy, supported by various French trademark registrations for the MAGASINS U trademarks. WIPO Overview 3.1, section 1.2.1.

The Panel finds the MAGASINS U trademarks clearly recognizable in the disputed domain name. The substitution of a hyphen for a space, and the addition of "-b2b" do not prevent the MAGASINS U trademarks from being recognizable.

The Panel finds that the addition of "-b2b" does not prevent a finding of confusing similarity. 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 non-exhaustive 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 records, 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 Complainant submits that (i) it never authorised the Respondent to use its MAGASINS U trademarks or to register any domain name incorporating them, (ii) that the Respondent is not commonly known by the disputed domain name, and (iii) that the Respondent is not making a bona fide offering of goods or services under the disputed domain name. The absence of content on the disputed domain name supports this finding. It even appears that the disclosed registrant, Marcel Dufour, does not correspond to the disputed domain name and that the contact details are inaccurate.

Moreover, the Panel finds that in the context of the Complainant's established retail business, the combination of "magasins u" with "b2b" suggests a business-facing channel associated with the Complainant, rather than an independent descriptive use. The composition of the disputed domain name therefore carries a risk of implied affiliation. WIPO Overview 3.1, 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.

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 that the MAGASINS U trademark registrations substantially predate the registration of the disputed domain name on July 29, 2026.

Moreover, the disputed domain name reproduces the recognizable combination "magasins u", closely follows the Complainant's principal domain name <magasins-u.com>, and adds "b2b", a term consistent with commercial dealings between business partners, creating a likelihood of confusion with the Complainant's trademarks.

The Panel infers from the foregoing that the Respondent registered and used the disputed domain name to take unfair advantage of the association with the Complainant's trademarks.

Panels have found that the non-use of a domain name 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 or reputation of the Complainant's trademark and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain

name does not prevent a finding of bad faith under the Policy.

Panels have found that MX records could create a risk of fraudulent email use since the Respondent could actively use the disputed domain name for the sending of electronic correspondence, is an indication of the bad faith use of the domain name (see *Tetra Laval Holdings & Finance vs Prince Amin Access Point Technologies*, WIPO Case No. D2016-1052). In this case, the MX records create a risk of fraudulent email use and unfair use since these records would enable the Respondent to send emails from addresses ending in "@magasins-u-b2b.com".

With regard to the disclosed registrant information appearing inaccurate, namely the postal address corresponding to a hotel, the telephone number falling within a paging-services range, and the contact email address incorporating the name of another well-known retailer or inconsistent, panels have found that the provision of false or misleading contact information, together with the inability to identify or locate the respondent, indicates an intention to conceal its identity and constitutes evidence of bad faith (see *BPCE v. nebil hermann*, WIPO Case No. D2026-1601).

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

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 <magasins-u-b2b.com> be transferred to the Complainant.

/Benoit Van Asbroeck/
Benoit Van Asbroeck
Sole Panelist
Date: November 11, 2026