

## ADMINISTRATIVE PANEL DECISION

Groupe Courir v. guan guan  
Case No. D2024-1054

### 1. The Parties

The Complainant is Groupe Courir, France, represented by Nameshield, France.

The Respondent is guan guan, China.

### 2. The Domain Names and Registrar

The disputed domain names <courir-outlet.shop> and <couriroutlet.shop> (the “Domain Names”) are registered with Web Commerce Communications Limited dba WebNic.cc (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 11, 2024. On March 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On March 12, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 18, 2024, 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 March 18, 2024.

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 March 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 8, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 12, 2024.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on April 18, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration

of Impartiality and Independence, as required to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant sells sneakers and fashion accessories under the trademark COURIR. The Complainant sells its products from 320 stores in Europe, and it has franchise stores in Northwest Africa.

The Complainant is the owner of trademark registrations for COURIR across various jurisdictions, such as European Union trademark number 006848881 (registered on November 26, 2008) and International trademark number 941035 (registered on September 25, 2007). The Complainant also has registered several domain names, such as <courir.com> registered since 1998.

The Domain Names have been registered on February 21 and 23, 2024. At the time of filing the Complaint, the Domain Names resolved to an online store displaying the Complainant's trademark and logo while selling clothes and shoes at discounted prices. At the time of drafting the Decision, the Domain Names resolved to an error page informing of maintenance taking place.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant provides evidence of trademark registrations and points out that the Domain Names capture the Complainant's trademark and simply add the term "outlet". It is in the view of the Complainant not sufficient to prevent a finding of confusing similarity.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Names. The Complainant has not authorized the Respondent to use its trademarks in any way. The Respondent is not commonly known by the Domain Names. The Respondent has not made any demonstrable preparations to use the Domain Names in connection with a bona fide offering of goods or services. The Respondent has used the Domain Names to disrupt the Complainant's business and to attract users by impersonating the Complainant.

The Complainant argues that the Domain Names were registered and are being used in bad faith. Given the distinctiveness of the Complainant's trademarks and reputation, the Complainant finds it reasonable to infer that the Respondent has registered the Domain Names with full knowledge of the Complainant's trademarks. The use of the Domain Names – selling competing products using the Complainant's logo - is evidence of bad faith.

##### **B. Respondent**

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

#### **6. Discussion and Findings**

##### **A. Identical or Confusingly Similar**

The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the Domain Names. See [WIPO Overview 3.0](#), section 1.7. The Complainant has established that it has rights in the trademark COURIR. The Domain Names incorporate the Complainant's trademark in its entirety and thus, the Complainant's trademarks are recognizable within the Domain Names. The addition of "outlet", with or without a hyphen, does not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.8. For the purpose of assessing under paragraph4(a)(i) of the

Policy, the Panel may ignore the generic Top-Level Domain (“gTLD”) as it is viewed as a standard registration requirement. See [WIPO Overview 3.0](#), section 1.11.1.

Based on the available record, the Panel finds the Domain Names are confusingly similar to the trademark in which the Complainant has rights. The first element of paragraph 4(a) 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. While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often-impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

Having reviewed the record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Names. 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 Domain Names. There is no evidence of the Respondent’s use of, or demonstrable preparations to use, the Domain Names or a name corresponding to the Domain Names in connection with a bona fide offering of goods or services.

The composition and use of the Domain Names carry a risk of implied affiliation as they effectively impersonate or suggest sponsorship or endorsement by the Complainant. See [WIPO Overview 3.0](#), section 2.5.1. Based on the available record, 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.

The composition and use of the Domain Names prove that the Respondent was aware of the Complainant and its prior rights when the Respondent registered the Domain Names. The Respondent has failed to provide any evidence of actual or contemplated good faith use of the Domain Names. The Respondent’s use of the Domain Names appears to be passing off as the Complainant and sell competing goods.

For the reasons set out above, the Panel concludes that the Domain Names were registered and are being used in bad faith, within the meaning of paragraph 4(a)(iii) of the Policy. 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 the Domain Names <courir-outlet.shop> and <couriroutlet.shop> transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: April 25, 2024