

ADMINISTRATIVE PANEL DECISION

Groupe Courir v. eee qeqe, dasdhuighjbvbjhbjb
Case No. D2024-1272

1. The Parties

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

The Respondent is eee qeqe, dasdhuighjbvbjhbjb, China.

2. The Domain Name and Registrar

The disputed domain name <courir-store.online> is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on March 25, 2024. On March 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 27, 2024, 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.

On April 2, 2024, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On the same day, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on April 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 28, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 6, 2024.

The Center appointed Jonathan Agmon as the sole panelist in this matter on May 15, 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 by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is in the sports fashion footwear industry. Its selected goods include sneakers, ready-to-wear, and fashion accessories for men, women, and children. Its target market is the urban clientele from 15 to 25 years old. It has around 283 stores in France, and 320 stores in Europe. It is expanding internationally, and has 16 stores in Spain, nine in Belgium, two in Portugal, and one in Luxembourg. It also has 31 master franchise stores in Northwest Africa, the Middle East, and the French overseas territories.

The Complainant is the owner of various COURIR trademarks, including the following:

- International trademark registration no. 941035 for COURIR, registered on September 25, 2007, designating inter alia China;
- European Union trademark registration no. 006848881 for COURIR, registered on November 26, 2008; and
- International trademark registration no. 1221963 for , registered on July 9, 2014.

The Complainant owns and operates various domain names, including its primary domain name <courir.com>, registered on February 16, 1998.

The disputed domain name was registered on March 22, 2024, and at the time of filing of the Complaint, it resolved to a webpage prominently displaying the Complainant's trademark, and selling clothes and shoes at discounted prices.

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 COURIR trademark in which it has rights. The disputed domain name consists of the COURIR trademark in its entirety with no alterations. The addition of the term "store" is insufficient to escape a finding of confusing similarity to the Complainant's COURIR trademark. The addition of the generic Top-Level Domain ("gTLD") does not change the overall impression of the disputed domain name and does not prevent a likelihood of confusion.
- The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not identified in the Whois database as the disputed domain name. The Respondent is unknown to the Complainant. The Respondent is not affiliated with, or authorized by the Complainant in any way. The Complainant does not carry out any activity for, or has any business with the Respondent. The Respondent is also not licensed to use the Complainant's COURIR trademark in any way, including registering the disputed domain name. The Respondent is also attempting to disrupt the Complainant's business and to attract Internet users by impersonating the Complainant as the Respondent identifies himself as "Courir" in the "About Us" section on the Respondent's website.

- The disputed domain name was registered and is being used in bad faith. The Respondent registered the disputed domain name long after the Complainant registered its COURIR trademark. The Complainant's mark is distinctive and well known. It is therefore reasonable to infer that the Respondent registered the disputed domain name with full knowledge of the Complainant's mark. Further, the disputed domain name resolves to an online store displaying the Complainant's trademark, and selling goods at discounted prices, which compete with the Complainant's own goods. The Respondent is also intentionally attempting to attract Internet users to its webpage for commercial gain, by creating a likelihood of confusion between the source, sponsorship, affiliation, or endorsement between the Respondent's website and the Complainant.

B. Respondent

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

6. Discussion and Findings

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that:

- English is the language most widely used in international relations and is one of the working languages of the Center;
- the disputed domain name consists of Latin characters and not Chinese script; and
- to proceed in Chinese, the Complainant would have to retain specialized translation services at a cost very likely to be higher than the overall cost of these proceedings. The use of Chinese would therefore impose a burden on the Complainant which must be deemed significant in view of the low cost of these proceedings.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), 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 3.0](#), section 1.7.

Although the addition of other terms, here, “-store” may bear on assessment of the second and third elements, the Panel finds the addition of such a 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 3.0](#), 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 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 3.0](#), 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 Respondent is not commonly known by the disputed domain name. The Respondent is not affiliated with the Complainant. It was also not authorized or licensed by the Complainant to use the COURIR trademark in any way, including registering the disputed domain name. At the time of filing of the Complaint, the disputed domain name resolved to a website prominently displaying the Complainant’s COURIR trademarks, and was purportedly offering branded goods for sale at what appeared to be a significant discount. The Panel infers that this is evidence that the goods sold on the Respondent’s website are likely counterfeit goods. In addition, the Respondent presented itself as the Complainant under the “About Us” section on the website with store photos apparently belonging to the Complainant.

Panels have held that the use of a domain name for illegal activity, here, claimed as applicable to this case: sale of counterfeit goods, and impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

In the present case, the Panel notes that the Respondent registered the disputed domain name long after the Complainant registered its COURIR trademark. The Respondent's use of the Complainant's logo mark prominently on the website to which the disputed domain name resolved, is clear evidence that the Respondent knew of and targeted the Complainant and its trademarks prior to the registration of the disputed domain name.

In addition, the fact that the disputed domain name resolved to a website designed to resemble and pass off as the Complainant's own website, and selling what are likely to be counterfeit goods at a steep discount, is strong indication of bad faith, and is a typical case of cybersquatting. There is not any prominent and accurate disclaimer on the website disclosing the (lack of) relationship between the Parties.

Panels have held that the use of a domain name for illegal activity, here, claimed as applicable to this case: sale of counterfeit goods, and impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel also notes that the contact details of the Respondent that were registered with the Registrar are obviously fictitious and nonsensical. This is further indication of bad faith on the Respondent.

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 <courir-store.online> be transferred to the Complainant.

/Jonathan Agmon/
Jonathan Agmon
Sole Panelist
Date: June 1, 2024