

ADMINISTRATIVE PANEL DECISION

Association des Centres Distributeurs E. Leclerc – A.C.D. Lec v. frederic belin
Case No. D2022-5010

1. The Parties

The Complainant is Association des Centres Distributeurs E. Leclerc – A.C.D. Lec, France, represented by Inlex IP Expertise, France.

The Respondent is frederic belin, France.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 28, 2022. On December 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 29, 2022, 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 January 3, 2023, 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 January 5, 2023.

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 January 13, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 2, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 3, 2023.

The Center appointed Isabelle Leroux as the sole panelist in this matter on February 20, 2023. 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 Association des Centres Distributeurs E. Leclerc – A.C.D. Lec, a renowned chain of supermarkets and hypermarkets stores in France and in Europe. According to the Complainant, it has about 721 stores in France and around 100 stores in the other European countries.

For the needs and purposes of its activities, the Complainant is the owner of numerous trademarks, including the following:

- European Union trademark E LECLERC No. 002700664 filed on May 17, 2002, and registered on January 31, 2005, duly renewed, for goods and services in classes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 39;
- French trademark LECLERC No. 1307790 filed and registered on May 2, 1985, and duly renewed, for goods and services in classes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, and 39.

Hereafter the “LECLERC Trademarks” or “LECLERC Trademark”.

The Disputed Domain Name was registered on October 13, 2022, and reverts to a parking page.

5. Parties’ Contentions

A. Complainant

- a) The Disputed Domain Name is identical or at least confusingly similar to the Complainant’s Trademarks since it incorporates the well-known LECLERC Trademarks in their entirety with the addition of the terms “soc” “cooper” “groupem” “achat” “centre” which directly refer to the trade name “societe cooperative groupements d achats des centres leclerc”, a company that belongs to the same group of the Complainant.
- b) The Respondent has no rights nor legitimate interests in the Disputed Domain Name since:
 - The Respondent does not own any LECLERC trademark;
 - The Respondent is not commonly known under the Disputed Domain Name;
 - The Complainant has never granted any license or authorization of use to the Respondent;
 - There is no evidence that the Respondent has an history of using, or preparing to use the Disputed Domain Name in connection with a *bona fide* offering of goods and services.
- c) The Respondent registered and used the Disputed Domain Name in bad faith given the following factors:
 - The Complainant’s Trademarks benefit from a reputation in France and other countries;
 - The Disputed Domain Name refers to the trade name of a company belonging to the Complainant’s organization which cannot be in any case a coincidence and clearly demonstrates that the Respondent was perfectly aware of the Complainant’s trademarks and businesses;
 - The Disputed Domain Name resolves to a parking page.

Finally, the Complainant requests that the Disputed Domain Name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

First of all, the Panel finds that the Complainant has provided evidence that it has prior rights in the LECLERC Trademarks, and they have been filed and registered several years before the Disputed Domain Name.

Then, the Panel notices that the Disputed Domain Name is composed of the identical reproduction of the Trademarks in their entirety, to which has been added the terms (i) "soc", "cooper", "groupem", "achat", and "centre" and (ii) the generic Top-Level Domain ("gTLD") ".com".

The addition of the terms "soc", "cooper", "groupem", "achat", and "centre" does not avoid a finding of confusing similarity since the well-known LECLERC trademarks are still recognizable.

Furthermore, the gTLD ".com" is viewed as a standard registration requirement and as such is disregarded for the purpose of determining whether a domain name is identical or confusingly similar to a trademark.

Consequently, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's Trademark. The first element of paragraph 4(a)(i) of the Policy is thus fulfilled.

B. Rights or Legitimate Interests

Numerous UDRP panels have found that, even though the Complainant bears the general burden of proof under paragraph 4(a)(ii) of the UDRP, the burden of production shifts to the Respondent once the Complainant makes a *prima facie* showing that the Respondent lacks rights or legitimate interests. See *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Hence, after the Complainant has made a *prima facie* showing that the Respondent has no rights or legitimate interests in the Disputed Domain Name, it will be deemed to have satisfied paragraph 4(a)(ii) of the UDRP when the Respondent fails to submit a response.

In this case, the Complainant brings forward the following elements:

- No license or authorization has been granted by the Complainant to the Respondent;
- The Respondent is not known under the Disputed Domain Name, nor does it have any trademark rights on the term "leclerc"; and
- The Respondent has not used the Disputed Domain Name for a *bona fide* offering goods and services and the Disputed Domain Name resolves to a parking page.

Therefore, the Panel finds that the Complainant has made a *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. Moreover, the Panel notes that the nature of the Disputed Domain Name carries a risk of implied affiliation ([WIPO Overview 3.0](#), section 2.5.1).

The Respondent has not responded to the Complainant's contentions and therefore has not proved otherwise.

Given these circumstances, the Panel finds that the second element of the paragraph 4(a)(ii) of the Policy is satisfied.

C. Registered and Used in Bad Faith

The Complainant's Trademarks have been recognized as well-known by numerous previous UDRP panels for many years. See in particular: *Association des Centres Distributeurs E. Leclerc v. Redacted for Privacy*, See *PrivacyGuardian.org / postal dolly Malhotra*, WIPO Case No. [D2021-0037](#); *Association des Centres Distributeurs E. Leclerc v. WhoisGuard Protected, WhoisGuard, Inc. / auchanlove auchanlove*, WIPO Case No. [D2021-0031](#); *Association des Centres Distributeurs E. Leclerc – A.C.D. Lec v. WhoisGuard Protected, WhoisGuard, Inc. /yop poyo*, WIPO Case No. [D2020-2142](#); *Association des Centres Distributeurs E. Leclerc – A.C.D. Lec v. Privacy Protection / Andrei Kislovodskii*, WIPO Case No. [D2019-0108](#).

Accordingly, the Panel considers that the Respondent could not plausibly ignore the existence of the Complainant's Trademarks at the time the Disputed Domain Name was registered, all the more since according to the information disclosed by the Registrar, the Respondent is located in France.

The Panel finds that the registration was therefore made in bad faith.

As to the use of the Disputed Domain Name in bad faith, the Panel has evidenced that the Disputed Domain Name resolves to an inactive website. This use constitutes a passive holding that can clearly be regarded as an indication of bad faith use.

The lack of use of the Disputed Domain Name, and the Respondent's failure to reply to the Complainant's contentions provide no basis for the Panel to believe that the Disputed Domain Name might conceivably be put to good faith use.

Taking into account all of the above, the Panel finds that the Disputed Domain Name was registered and used in bad faith, so that the third and final element of the Policy is met.

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 <soccoopergroupemachatcentreleclerc.com> be transferred to the Complainant.

/Isabelle Leroux/

Isabelle Leroux

Sole Panelist

Date: March 6, 2023