

ADMINISTRATIVE PANEL DECISION

Groupe Adeo v. 赵嘉鑫 (zhao jia xin)

Case No. D2025-0543

1. The Parties

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

The Respondent is 赵嘉鑫 (zhao jia xin), China.

2. The Domain Name and Registrar

The disputed domain name <leroymerlin.life> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on February 11, 2025. On the following day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 13, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, 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 in English on the same day.

On February 13, 2025, 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 that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

On February 14, 2025, the Center received an email communication in English from the Respondent. On the same day, at the Complainant's request, the administrative proceeding was suspended until March 16, 2025 for purposes of settlement discussions concerning the disputed domain name. On February 28, 2025, at the Complainant's request, the proceeding was reinstated as of that date.

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 in Chinese and English of the Complaint, and the proceedings commenced on March 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 23, 2025. The Respondent did not file any formal Response. Accordingly, the Center notified the commencement of panel appointment process on March 25, 2025.

The Center appointed Matthew Kennedy as the sole panelist in this matter on April 14, 2025. 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 company. One of its subsidiaries is Leroy Merlin, founded in 1923, a do-it-yourself (“DIY”) retail outlet operating in the home and lifestyle improvement industry. Leroy Merlin has 28,000 employees in France and 144 stores. The Complainant is the owner of trademarks in multiple jurisdictions, including the following:

- International trademark registration number 591251 for LEROY-MERLIN, registered on July 15, 1992, designating multiple jurisdictions, including China;
- International trademark registration number 701781 for LEROY MERLIN and device in colors, registered on August 14, 1998, designating multiple jurisdictions, including China; and
- European Union trademark registration number 10843597 for LEROY MERLIN, registered on December 7, 2012.

The above trademark registrations specify goods and services in multiple classes and are all current. The Complainant also registered the domain name <leroymerlin.fr> on September 12, 1996, that it uses in connection with a website where it provides information about itself and its retail brands, including Leroy Merlin. Leroy Merlin also operates an online “Marketplace” platform where selected external vendors can sell their products.

The Respondent is an individual based in China.

The disputed domain name was registered on February 5, 2025. It does not resolve to any active website. However, according to evidence presented by the Complainant, it has been used in an email address. An email sent from that address on February 10, 2025 purported to be from an account manager of Leroy Merlin. The email invited the recipient to complete an online questionnaire, with a view to becoming a vendor on Leroy Merlin’s Marketplace platform. The email described the business of Leroy Merlin in France, the volume of traffic to its website, and the strength of its brand.

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 identical to its LEROY MERLIN mark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not affiliated with nor authorized by the Complainant in any way. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark LEROY MERLIN, or apply for registration of the disputed domain name by the Complainant. The Respondent uses the disputed domain name to pass itself off as one of the Complainant's employees.

The disputed domain name has been registered and is being used in bad faith. Given the distinctiveness of the Complainant's trademarks and its reputation, it is reasonable to infer that the Respondent has registered and used the disputed domain name with full knowledge of the Complainant's trademark. The disputed domain name has been used in a phishing scheme.

B. Respondent

The Respondent contends that he operates an e-commerce platform and is an enterprise resource planning ("ERP") provider offering application programming interface ("API") integrations that allow businesses to manage product listings and orders across various platforms, including the Complainant's. The disputed domain name was chosen as part of the Respondent's marketing efforts to attract customers to its platform, and there was no intention to infringe on the Complainant's ".fr" domain name in any way. Upon receiving the Complaint, the Respondent immediately suspended all activities associated with the disputed domain name.

The Respondent submits that he fully recognizes the concerns of the Complainant and is willing to comply with the request to transfer the ownership of the disputed domain name. However, he adds, it is important to note that the domain name transfer process itself involves significant costs. Therefore, he requests that the Complainant pay "\$ 10,000" (assuming the currency to be USD), not as compensation but rather to reflect the costs the Respondent has already incurred during the registration and transfer process. While the Respondent hopes that the Complainant can accept this proposal, he is prepared to transfer the disputed domain name without charge if this cost is not agreeable. If the transfer of ownership cannot be completed, the Respondent assures the Complainant that the disputed domain name will no longer be used for any purpose, including but not limited to the website, email, or any subdomains.

6. Discussion and Findings

6.1 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 and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the disputed domain name is formed of words in Roman characters, not Chinese, and in order to proceed in Chinese the Complainant would have to retain specialized translation services that would impose a significant financial burden on it.

The Respondent sent his email communication to the Center in English and made no specific submission 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.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that a complainant must demonstrate each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The burden of proof of each element is borne by the Complainant.

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. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of the LEROY MERLIN trademark, among others, for the purposes of the Policy. See [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name, minus the space between the words for technical reasons. The only additional element is a generic Top-Level Domain ("gTLD") extension (".life") which, as a standard requirement of domain name registration, may be disregarded in the assessment of identity for the purposes of the first element of the Policy. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.7 and 1.11.1.

Therefore, 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. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the disputed domain name does not resolve to an active website but has been used to send an email that falsely purports to be from an employee of the Complainant's subsidiary, Leroy Merlin, to obtain information from a prospective vendor on Leroy Merlin's Marketplace platform. This is not a use of the

disputed domain name in connection with a bona fide offering of goods or services, nor is it a legitimate noncommercial or fair use. Prior UDRP panels have held that the use of a domain name for illegitimate activities (in this case, sending deceptive email) can never confer rights or legitimate interests on a respondent. See [WIPO Overview 3.0](#), section 2.13.1.

Further, the Registrar has verified that the Respondent's name is “赵嘉鑫 (zhao jia xin)”, not the disputed domain name. Nothing on the record indicates that the Respondent has been commonly known by the disputed domain name.

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 alleges that he operates an e-commerce platform and is an ERP provider offering API integrations that allow businesses to manage product listings and orders across various platforms, including the Complainant's. However, this allegation is wholly unsupported. It is also contradicted by the evidence showing that the disputed domain name has been used in email to impersonate an employee of the Complainant's subsidiary, Leroy Merlin. Accordingly, the Respondent has not rebutted the Complainant's prima facie showing.

Based on the record, the Panel finds the second element of the Policy has been established.

C. Registered and Used 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. See [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the disputed domain name was registered in 2025, years after the registration of the Complainant's LEROY MERLIN trademark. The disputed domain name wholly incorporates that trademark with the addition only of a gTLD extension. The trademark has no meaning other than as a reference to the Complainant's subsidiary, Leroy Merlin, and its products. The Respondent has used the disputed domain name to send email impersonating an employee of the Complainant's subsidiary, Leroy Merlin which, among other things, described the business and brand value of Leroy Merlin. The Respondent acknowledges in the email to the Center that he is aware of the Complainant and its platform. In view of these circumstances, the Panel finds that the disputed domain name was registered with the Complainant and its mark in mind.

As regards use, the disputed domain name does not resolve to an active website but has been used to send an email impersonating an employee of the Complainant's subsidiary with a view to obtaining information from a prospective vendor on Leroy Merlin's Marketplace platform. Prior UDRP panels have held that the use of a domain name for purposes other than to host a website, for example, to send deceptive email, may constitute bad faith. See [WIPO Overview 3.0](#), section 3.4. In view of these circumstances, the Panel finds that the disputed domain name is being used in bad faith under the Policy.

Further, in his communication to the Center during this proceeding, the Respondent requested USD 10,000 for a transfer of the disputed domain name to the Complainant, a sum that appears to far exceed the Respondent's documented out-of-pocket costs directly related to the disputed domain name. This is a further indication of bad faith.

Therefore, 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 <leroymerlin.life> be transferred to the Complainant.

/Matthew Kennedy/
Matthew Kennedy
Sole Panelist
Date: April 25, 2025