

## ADMINISTRATIVE PANEL DECISION

Association des Centres Distributeurs E. Leclerc – A.C.D. Lec v. Rodrigue  
ADJAKPA, LECLERC and Name Redacted  
Case No. D2025-0723

### 1. The Parties

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

The Respondents are Rodrigue ADJAKPA, LECLERC and Name Redacted<sup>1</sup>, France.

### 2. The Domain Name and Registrar

The disputed domain names <eleclerc-fr.com> and <e-leclerc-supermarche.com> are registered with Tucows Domains Inc. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 21, 2025. On February 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On February 21, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrants and contact information for the disputed domain names which differed from the named Respondents (Contact Privacy Inc. Customer 0173457141 and Contact Privacy Inc. Customer 0173557954) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 24, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. Complainant filed an amended Complaint on February 25, 2025.

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<sup>1</sup> The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

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 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 25, 2025.

The Center appointed Alexandre Nappey as the sole panelist in this matter on April 1, 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 association, ACD Lec (ASSOCIATION DES CENTRES DISTRIBUTEURS E. LECLERC). “E LECLERC” refers to the last name of the founder and promoter of the association – Mr. Edouard LECLERC. “E LECLERC” is one of the most renowned chain of supermarkets and hypermarket stores in France. The Complainant has about 750 stores in France, located all over the country.

The Complainant owns several trademarks “E LECLERC”, among which:

- European Union trademark “E LECLERC” No. 002700664 filed on May 17, 2002, and registered on January 31, 2005, and duly renewed since then;
- European Union trademark “E. LECLERC + design” No. 011440807 filed on December 5, 2012, and registered on May 27, 2013, and duly renewed since then.

The disputed domain names <eleclerc-fr.com> and <e-leclerc-supermarche.com> were registered respectively on December 5, 2024, and December 15, 2024.

The disputed domain names were initially pointing to closely similar websites reproducing the Complainant’s E LECLERC trademarks and logo, offering wood pastilles for sale.

The Mail Exchanger (“MX”) servers were set up on both of them.

At the time of this decision both disputed domain names point to an error page.

#### **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 names <eleclerc-fr.com> and <e-leclerc-supermarche.com> are confusingly similar to its earlier trademark E LECLERC, to the point of creating confusion.

Indeed, the disputed domain names incorporate the Complainant’s trademark with the mere addition of:

- For <eleclerc-fr.com>: the letters “fr” which refer to the French country code, which corresponds to the Complainant’s country of origin, being a French group;

- For <e-leclerc-supermarche.com>: the French generic term “supermarche” which directly refers to the Complainant’s field of activity that offers goods for sale in stores and online which does not lessen the likelihood of confusion between these domain names and the Complainant’s trademarks.

Then, the Complainant contends that the Respondents have no rights or legitimate interests in respect of the disputed domain names.

The content of the WHOIS database details do not indicate that the Respondents are commonly known under the name “E LECLERC”.

The Complainant has not authorized, licensed, or permitted the Respondents to use any of its trademarks or to apply for or use any domain names incorporating the Complainant’s trademarks.

The Respondents’ disputed domain names are neither used in connection with a bona fide offering of goods or/and services nor constitute a legitimate non-commercial or fair use.

Third, the Complainant claims that the disputed domain names were registered and are being used in bad faith.

As the Complainant’s trademarks “E LECLERC” are well-known for many years and enjoy a great reputation in France, it is unlikely that the Respondents were unaware of the Complainant’s activities and of the existence and use of the trademarks “E LECLERC” at the time the registrations of the disputed domain names were made.

The mere fact that the Respondents registered the disputed domain names, reproducing identically, the Complainant’s trademarks “E LECLERC” is in and of itself evidence of bad faith registration.

The disputed domain names were initially pointing to very similar fraudulent fake websites reproducing the Complainant’s “E LECLERC” trademarks and logo, and, for <e-leclerc-supermarche.com> offering goods for sale, with discounts and without authorization.

These uses cannot be considered as bona fide offerings of goods or services or legitimate non-commercial fair uses, as they were aiming to commit fraud and especially to defraud Internet users and the Complainant’s customers by having them believe the said websites were operated by the Complainant.

Moreover, MX servers were set up on both disputed domain names. The existence of MX servers leads the Complainant to believe that the Respondent could use the MX servers for phishing purposes by sending fraudulent emails.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Preliminary issue: consolidation against multiple Respondents**

The amended Complaint was filed in relation to different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant’s request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See [WIPO Overview 3.0](#), section 4.11.2.

As regards common control, the Panel notes that:

- the disputed domain names were registered with the same Registrar within a very short time frame;
- the disputed domain names were using the same hosting service provider; and
- the disputed domain names were resolving websites with similar content;

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the dispute regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

## **6.2 Legal grounds for decision**

Notwithstanding the default of the Respondent, the Complainant has the burden of proof to make its case in accordance with paragraph 4(a) of the Policy, and to demonstrate that:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(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.

However, under paragraph 14(b) of the Rules, where a Party does not comply with any provision of the Rules, the Panel "shall draw such inferences therefrom as it considers appropriate".

Having considered the Parties' submissions, the Policy, the Rules, the Supplemental Rules and applicable law, the Panel's findings on each of the above-mentioned elements are the following:

### **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 names. Accordingly, the disputed domain names are 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, the letters "fr" for <eleclerc-fr.com> and the French generic term "supermarche" for <e-leclerc-supermarche.com>) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names 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 names (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 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 disputed domain names such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for here, claimed 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 Complainant has shown that “E LECLERC” trademarks have been registered and used for years.

Thus, taking into consideration the Complainant’s well-known “E LECLERC” trademarks, and in the absence of arguments or evidence to the contrary, the Panel finds that the circumstances of this case indicate that, on the balance of probabilities, the Respondent knew or should have known about the Complainant and likely registered the disputed domain names to target the Complainant’s mark.

The fact that the Respondent used the disputed domain names to operate websites incorporating the Complainant’s “E LECLERC” trademarks and logos and offering merchandises (wood pastilles) supports the Panel’s finding on bad faith.

Panels have held that the use of a domain name for illegal activity, here, claimed 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 names constitutes bad faith under the Policy.

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 names <eleclerc-fr.com> and <e-leclerc-supermarche.com> be transferred to the Complainant.

*/Alexandre Nappey/*

**Alexandre Nappey**

Sole Panelist

Date: April 10, 2025