

## ADMINISTRATIVE PANEL DECISION

Automobile Club de l'Ouest (A.C.O.) v. Idah Idah  
Case No. D2025-1242

### 1. The Parties

The Complainant is Automobile Club de l'Ouest (A.C.O.), France, represented by ARDAN, France.

The Respondent is Idah Idah, Indonesia.

### 2. The Domain Name and Registrar

The disputed domain name <24h-leman.com> is registered with Key-Systems GmbH (the "Registrar").

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 26, 2025. On March 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 31, 2025, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 2, 2025, 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 the same day.

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 April 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 30, 2025.

The Center appointed Angelica Lodigiani as the sole panelist in this matter on May 2, 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 was founded in 1906 and is the organizer of the “24h Le Mans” car race in the French department of Sarthe since 1923. Over the years, the “24h Le Mans” race has become one of the world’s leading endurance car races and one of the most prestigious races in the world. The “24h Le Mans” car race has obtained important recognitions and is attended by a high number of spectators every year. The race is broadcasted over the world and receives extensive media coverage. In 2024, 1,400 journalists from 50 different countries were present to cover the race. The “24h Le Mans” car race also attracts important personalities such as renowned movie actors and musicians, and has inspired various movies and a multitude of books.

The Complainant is the owner of a large portfolio of 24H LEMANS trademarks in various jurisdictions, among which the following:

- 24H LE MANS (figurative), European Union registration No. 018103617, registered on January 17, 2020 for goods in classes 9, 21 and 25;
- 24H LE MANS (figurative), European Union registration No. 012594677, registered on August 13, 2014 for goods and services in classes 4, 6, 9, 12, 14, 16, 18, 21, 24, 25, 26, 28, 33, 34, 35, 37, 38, 39, 41, 42 and 43;
- 24H LE MANS (figurative), International registration No. 1235813, registered on August 4, 2014 for goods and services in classes 6, 9, 12, 14, 16, 18, 25, 28, 38 and 41, designating various jurisdictions worldwide.

The Complainant is also present on the most important social networks, such as Instagram (1 million followers), Facebook (1.2 million followers) and X (501,800 subscribers), and has a dedicated channel on YouTube with 186,000 subscribers.

The Complainant is also the owner of the domain name <24h-lemans.com>, registered in 2012, which resolves to its official website.

The disputed domain name was registered on December 30, 2024 and redirects to a website which is blocked due to a security threat. Furthermore, Mail exchange (“MX records”) are configured in relation to the disputed domain name.

#### **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 Complainant’s trademark. The Complainant’s 24H LE MANS mark is recognizable within the disputed domain name even if the latter does not include the letter “s” at the end of the word “leman” and includes a hyphen between the words “24h” and “leman”. These minor differences between the disputed domain name and the Complainant’s mark are not sufficient to prevent a finding of confusing similarity.

The Complainant also contends that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant did not authorize the Respondent to register a domain name including the Complainant’s trademark or to otherwise make use of its mark. The Respondent does not appear to be commonly known by the disputed domain name. The Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services and is not making a legitimate noncommercial or fair use of the disputed domain name as the same redirects to a website including malwares and exposing

Internet users to a risk of contamination of their computers. The Respondent is also offering for sale the disputed domain name at a price slightly lower than the fee for filing a UDRP complaint and beyond the out-of-pocket costs directly related to the disputed domain name, which is not consistent with a legitimate or fair use of the disputed domain name or with a bona fide offering of goods or services.

With respect to bad faith, the Complainant contends that the Respondent must have been aware of the Complainant's earlier mark at the time of the registration of the disputed domain name, due to the extensive reputation of this mark and the fact that the disputed domain name is almost identical to it and to the Complainant's domain name <24h-lemans.com>. A simple Internet search using the keywords "24h Le Mans" would have immediately revealed references to the Complainant's mark. It is therefore hard to believe that the Respondent could have ignored the Complainant's mark when it decided to register the disputed domain name.

As far as use in bad faith is concerned, the use of the disputed domain name to redirect to a website containing a malware and the offer for sale of the disputed domain name for an amount exceeding the out-of-pocket costs directly related to the domain name are clear indication of bad faith. Moreover, the sale price of the disputed domain name is slightly lower than the official fee to be paid to proceed with a UDRP complaint. Thus, the Complainant maintains that the Respondent is trying to convince the Complainant to purchase the disputed domain name rather than initiating a UDRP procedure. Finally, the Respondent has configured the MX records for the disputed domain name, which entails a risk that the disputed domain name can be used to send fraudulent email communications.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["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 Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The textual element of the Complainant's mark 24H LE MANS is almost identically reproduced in the disputed domain name. The only differences lie in the omission of the letter "s" at the end of the word "leman" and the addition of a hyphen between the portions "24h" and "leman". These differences are minimal and certainly not sufficient to prevent a finding of confusing similarity of the disputed domain name with the Complainant's mark. [WIPO Overview 3.0](#), section 1.7.

Accordingly, 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 Complainant did not authorize the Respondent to make use of its 24H LE MANS mark in any manner whatsoever, including as part of the disputed domain name. The Respondent is not affiliated, nor has any relationship with the Complainant. The Panel has found no evidence in the case file that could induce to believe that the Respondent has been commonly known by the disputed domain name.

The Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, nor such use is legitimate or fair. The Complainant’s 24H LE MANS trademark coincides with the name of one of the most famous car races in the world organized by the Complainant. Accordingly, the Complainant’s mark has gained widespread recognition internationally. Moreover, the Panel notes that the Respondent has not shown that it registered the disputed domain name in connection with any non-trademark related meaning of the terms it comprises rather than in reference to the Complainant’s trademark. The disputed domain name is almost identical to the Complainant’s trademark and principal domain name <24h-lemans.com>, which, to the Panel, signals the Respondent’s intention to trade off the Complainant’s trademark rights in 24H LE MANS and take unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the dispute domain name. The Panel could not find on record evidence of the fact that the disputed domain name was offered for sale and a quick check on the relevant online platform did not show any offer for sale for the disputed domain name.<sup>1</sup> However, the disputed domain name redirects to a website access to which is blocked due to a security threat linked to a spyware and the Respondent has configured MX records for the disputed domain name. Therefore, the Respondent can correspond via email under a domain name almost identical to the Complainant’s mark.

Panels have held that the use of a domain name for illegitimate activity such as distributing malware, 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 international renown of the 24h Le Mans car race certainly has an impact on the identical trademark of the Complainant, which must also be considered renowned. The

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<sup>1</sup> Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. [WIPO Overview 3.0](#), section 4.8.

Respondent has registered a domain name almost identical to the Complainant's mark and its domain name <24h-lemans.com>, which induces to believe that at the time of the registration of the disputed domain name the Respondent was aware of the Complainant and of its 24H LE MANS mark. The registration of a disputed domain name almost identical to the Complainant's well-known mark with knowledge of the Complainant and without rights or legitimate interests amounts to registration 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. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegitimate activity, such as distributing malware, 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. Furthermore, the configuration of MX records for the disputed domain name corroborates a finding of bad faith under the circumstances of this case.

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 <24h-leman.com> be transferred to the Complainant.

*/Angelica Lodigiani/*

**Angelica Lodigiani**

Sole Panelist

Date: May 16, 2025