

ADMINISTRATIVE PANEL DECISION

Association des Centres Distributeurs E. Leclerc – A.C.D. Lec v. Xin Zhang
Case No. D2025-1997

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 Respondent is Xin Zhang, China.

2. The Domain Name and Registrar

The disputed domain name <e-leclercfr.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 20, 2025. On May 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 20, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 21, 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 May 21, 2025.

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 May 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 20, 2025.

The Center appointed Stefan Bojovic as the sole panelist in this matter on June 27, 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 operating chain of supermarkets and hypermarkets E. Leclerc. Founded by Mr. Édouard Leclerc over 70 years ago, the Complainant today coordinates more than 750 stores across France and approximately 100 stores in other European countries, including Poland, Spain, Portugal, Luxembourg and Slovenia.

The Complainant is the owner of several registered trademarks for its E LECLERC trademark, including the following:

- European Union trademark registration No. 002700664 for E LECLERC, registered on January 31, 2005;
- United States trademark registration No. 011440807 for E.LECLERC (word/device), registered on May 27, 2013.

The disputed domain name was registered on March 27, 2025, and it resolves to a web page that indicates "Website not found".

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 its E LECLERC trademark, as the second-level domain ("SLD") consists of this trademark and letters "fr" which represent ISO code for France. The Complainant also holds that the addition of the generic Top-Level Domain ("gTLD") ".com" does not prevent a finding of confusing similarity between the disputed domain name and its E LECLERC trademark.

With reference to rights or legitimate interests in respect of the disputed domain name, the Complainant contends that the Respondent is not authorized to use the Complainant's E LECLERC trademark or any domain name incorporating the Complainant's trademark. The Respondent is also not commonly known by the disputed domain name. The disputed domain name is neither used in connection with a bona fide offering of goods or/and services nor constitute a legitimate non-commercial fair use, as it directs, since its detection, to an error page. The Respondent also never responded to communication attempts made by the Complainant.

With reference to the circumstances evidencing bad faith, the Complainant states that its E LECLERC trademark is a well-known trademark in France, as well as in some other European jurisdictions. The well-known status of the Complainant's trademark has also been confirmed by a number of previous UDRP panels. For that reason, the Complainant holds that it is impossible that the Respondent was unaware of the activities of the Complainant and of the existence of its E LECLERC trademark at the time of the registration of the disputed domain name. The Complainant further adds that E LECLERC has no meaning in French nor English and is not a dictionary or common word and that, therefore, there is no reasonable explanation for choice of this name by the Respondent. Finally, although the disputed domain name resolves to an error page, the Complainant holds that its passive holding should be considered as use in bad faith in accordance with well-established UDRP doctrine.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy stipulates that the Complainant must prove each of the following:

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

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 entirety of the Complainant's trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The Panel also notes that the Complainant trademark is E LECLERC, while in the disputed domain name it is reproduced as "e-leclerc", but finds that such slightly different representation of the Complainant's trademark does not affect the finding that the Complainant's trademark is reproduced within the disputed domain name in its entirety. The Panel underlines that it is not technically possible to present space character within a domain name and that due to this, technical limitation phrases in domain names are commonly represented without spaces or through separation by hyphen (as in the disputed domain name).

Although the addition of other terms (here, geographical term "fr" i.e. ISO 3166-1 alpha-2 two-letter country code for France) may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

In addition, it is well established that ".com", as a gTLD, can be disregarded in the assessment of the confusing similarity between the disputed domain name and the Complainant's trademark. [WIPO Overview 3.0](#), section 1.11.1.

The Panel, therefore, finds that 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 Panel notes that there seems to be no relationship between the Respondent and the Complainant and that the Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant’s E LECLERC trademark. There appears to be no element from which the Panel could infer the Respondent’s rights and legitimate interests in the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

The Panel also finds that the structure of the disputed domain name, which contains the Complainant’s E LECLERC trademark in combination with geographical term “fr”, (which stands for ISO 3166-1 alpha-2 two-letter country code for France) carries a risk of implied affiliation, especially in the light of the fact that the Complainant is a French company where it is well-known as an operator of one of the largest supermarket and hypermarket chains. [WIPO Overview 3.0](#), section 2.5.1

Having in mind the above, 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.

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.

In the present case, the Panel notes that the Respondent must have been well-aware of the Complainant and its E LECLERC trademark at the time of the registration of the disputed domain name. Namely, the first use of E LECLERC trademark predates the registration of the disputed domain name by decades, making it unlikely that the Respondent was not aware of the Complainant’s trademark at the time of registration of the disputed domain name. Also, the choice of additional term “fr” (which stands for ISO 3166-1 alpha-2 two-letter country code for France) further indicates the Respondent’s awareness of the Complainant and its trademark, having in mind that the Complainant is a French company that operates one of the largest retail chains in that country. Furthermore, based on the evidence provided by the Complainant and based on the findings of previous UDRP panels, the Panel deems that the Complainant’s E LECLERC trademark is well-known in France (see, for example, *Association des Centres Distributeurs E. Leclerc - A.C.D. Lec. v. Privacy Service Provided by Withheld for Privacy ehf/ Name Redacted and Chantal Humbert*, WIPO Case No. [D2021-3902](#)). The Panel is aware that the Respondent’s location appears to be outside of France, but nevertheless deems that the use of country code for France within the disputed domain name is a consequence of the Respondent’s intentional targeting of the Complainant and awareness of its reputation in France.

Due to the above, the Panel finds that the disputed domain name has been registered in bad faith.

The disputed domain name resolves to a web page that indicates "Website not found", meaning that the disputed domain has not been actively used by the Respondent. Nevertheless, the Panel holds that the particular circumstances of this case would lead to establishment of the bad faith on the Respondent's side under the doctrine of passive holding. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. More precisely, previous panels have already considered that passive holding of a disputed domain name can satisfy the requirements of paragraph 4(a)(iii) of the Policy, and that in such cases the panel must give close attention to all the circumstances of Respondents' behavior (*Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)). The factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put. It should be emphasized that it is not required that all the above-listed factors be present in order to establish bad faith use of the disputed domain name (see, for example, *Compagnie Générale des Etablissements Michelin v. K Nandalal, BlueHost*, WIPO Case No. [D2021-3990](#)).

Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark and the Respondent's failure to submit a response both to the Complainant's cease-and-desist letter and to the UDRP complaint and thereby to provide any evidence of actual or contemplated good-faith use are some of the factors under the doctrine of passive holding that are present in the case at hand. Additionally, in the Panel's opinion, the distinctiveness of the Complainant's E LECLERC trademark and the structure of the disputed domain name (that clearly indicates targeting of the Complainant) are such that it is rather difficult to imagine any good faith use that the disputed domain name could be put into. Having in mind the above, the Panel finds that in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Therefore, the Panel finds that the disputed domain name has been both registered and is being used in bad faith, and consequently 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 <e-leclercfr.com> be transferred to the Complainant.

/Stefan Bojovic/

Stefan Bojovic

Sole Panelist

Date: July 11, 2025