

## **ADMINISTRATIVE PANEL DECISION**

Association des Centres Distributeurs E. Leclerc – A.C.D. Lec v. Bienvenu Bikoumou

Case No. DME2025-0006

### **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 Bienvenu Bikoumou, United Kingdom.

### **2. The Domain Name and Registrar**

The disputed domain name <mouvement-leclerc.me> is registered with Register SPA (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 26, 2025. On March 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 28, 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 March 28, 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 March 31, 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 April 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 24, 2025.

The Center appointed Mireille Buydens as the sole panelist in this matter on April 30, 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 operates a well-known chain of supermarket and hypermarket stores in France. The word “LECLERC” in the Complainant’s name refers to the last name of the founder of the Complainant– Mr. Edouard LECLERC. The Complainant has around 750 stores in France and around 100 stores in other countries in the European Union (“EU”), including Poland, Luxemburg, Portugal and Spain. In 2023, the turnover of the Complainant was EUR 60 billion in France, and the Complainant employs more than 140,000 collaborators.

The Complainant is the owner of inter alia the following trademark registrations for the word mark LECLERC (hereinafter jointly referred to as: the “Trademarks”):

- EU Trade Mark registration No. 002700656 for LECLERC (word mark) registered on February 26, 2004;
- French trademark registration No. 1307790 for LECLERC (word mark) registered on May 2, 1985 and

The Complainant owns the domain name <mouvement.leclerc>, reserved on September 9, 2015 which points to the Complainant’s official website dedicated to the “Mouvement Leclerc”, which is the association of its distributors.

The disputed domain name was registered on January 26, 2025. According to the Complaint, the disputed domain name was initially pointing to a blank page and Email Exchange (“MX”) servers were set up on it. After the sending by the Complainant, on February 20, 2025, of a cease-and-desist letter to the attention of the Respondent (through the Registrar and the hosting provider of the MX servers), letter which remained unanswered, the disputed domain name was deactivated, and pointed to a page indicating that it has been suspended.

#### **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.

First, the Complainant asserts that it owns registrations for the LECLERC Trademarks and that the disputed domain name is identical to the LECLERC Trademark as it includes the LECLERC Trademark in its entirety with the mere addition of the word “mouvement” (French word for “movement”). This generic term does not avoid any likelihood of confusion since it is commonly used to refer to the cooperative of retailers operating under the Complainant LECLERC Trademark since more than 70 years. The “.me” extension should be disregarded under the confusing similarity test as it is a standard registration requirement.

Second, the Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name. There is no evidence to suggest that the Respondent has been commonly known by the disputed domain name or that the Respondent has ever used, or demonstrated preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. The disputed domain was initially pointing to a blank page. The Respondent has no connection or affiliation with the Complainant and has not received any authorization, license, or consent, to register or use the Trademark, including in, or as part of, a domain name. Besides, there is no evidence to suggest that the Respondent is making, or

intends to make, a legitimate noncommercial or fair use of the disputed domain name. The Complainant further points out that the Respondent registered the disputed domain name under anonymity and provided an incorrect postal address to the registrar.

Third, the Complainant asserts that the disputed domain name was registered and is being used in bad faith. The Complainant first asserts that the disputed domain name has been registered in bad faith. Given the Complainant's reputation (the Complainant, using the LECLERC Trademark for more than 70 years, has become the first European organization of independent storekeepers and is active in various European countries), it is implausible that the Respondent was unaware of the Complainant's activities and of its LECLERC Trademarks at the time of registration of the disputed domain name. The disputed domain name incorporates the element "LECLERC" which is the personal name of the founder of the Complainant's organization (Mr. Edouard Leclerc). The word "LECLERC" has no meaning in French nor English. This name LECLERC is, in the disputed domain name, associated with the French word "mouvement" while the term "mouvement" is commonly used by the Complainant to refer to the cooperative of retailers operating under the Complainant banner LECLERC for more than 70 years. As a result, the Respondent has voluntarily chosen the disputed domain name to create the false impression that it is affiliated with, or endorsed by, the Complainant. Besides, the Complainant notes that the Respondent's concealment of its identity and providing of an erroneous postal address (the Respondent registered "LONNDON" as the "registrant city", instead of "London") is also indicative of registration in bad faith.

Moreover, the Complainant contends that the disputed domain name is used in bad faith. The Complainant notes that the existence of MX servers leads to believe that the Respondent could use the MX servers for phishing purposes by sending fraudulent emails with the Complainant's Trademark. The Complainant further asserts that, since the disputed domain name incorporates the Complainant's Trademark, the Internet users and especially the Complainant's customers may wrongly believe that the website to which it resolves (or could resolve if put in use) is the Complainant's site or that the Complainant's website is not correctly functioning or has been hacked. This is disrupting the Complainant's business and causes harm to the Complainant's brand image.

## **B. Respondent**

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

## **6. Discussion and Findings**

Dealing with the Respondent's failure to file a response to the Complaint, paragraph 14(b) of the Rules provides that if a party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under these Rules, the Panel shall be entitled to draw such inferences from this omission, as it considers appropriate.

Paragraph 4(a) of the Policy provides that the Complainant proves each of the following three elements in order to succeed in its Complaint:

- (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.

### **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.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the LECLERC Trademark is reproduced within the disputed domain name. The only difference between the LECLERC Trademark and the disputed domain name is the addition of the word “mouvement” (“movement” in English). Although the addition of this term 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 Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Further, the country-code Top-Level Domain (“ccTLD”) “.me” is a standard registration requirement and does not prevent the disputed domain name from being confusingly similar to the LECLERC Trademark.

Accordingly, the disputed domain name is confusingly similar to the LECLERC Trademark for the purposes of the Policy.

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 Respondent is not licensed by, nor affiliated with, the Complainant in any way. There is no evidence that the Respondent is commonly known by the disputed domain name, nor is there any evidence of use or demonstrable preparations to use the disputed domain name for a bona fide offering of goods or services. There is no evidence of legitimate noncommercial or fair use of the disputed domain name, either. On the contrary, the Panel notes that the disputed domain name reproduces the LECLERC Trademark with the mere addition of the French word “mouvement” (“movement” in English, describing the organization of the Complainant’s distributors) and is therefore almost identical to the Complainant’s domain name <mouvement.leclerc>, reserved on September 9, 2015, and pointing to the official website of the Complainant’s association of distributors. Hence, the disputed domain name carries a risk of implied affiliation and suggests sponsorship or endorsement by the Complainant (if ever put in use, Internet users could believe that the disputed domain name resolves to a Complainant’s official website).

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.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. The Panel notes that the Respondent has composed the disputed domain name by combining the Complainant's LECLERC Trademark with the descriptive term "mouvement" ("movement" in English, describing the organization of the Complainant's distributors). The disputed domain name is almost identical to the Complainant's domain name <mouvement.leclerc>, reserved on September 9, 2015, and pointing to the official website of the Complainant's association of distributors. Besides, a quick search of the term "leclerc" online would have revealed to the Respondent the existence of the Complainant and its Trademark. Given the foregoing, the Panel considers that the Respondent was more likely than not aware of the Complainant's Trademark at the time of the registration of the disputed domain name. [WIPO Overview 3.0](#), section 3.1.4.

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. Although panelists will look at the totality of the circumstances in each case, 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 and (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use. [WIPO Overview 3.0](#), section 3.3. In this respect, the Panel notes the distinctiveness of the LECLERC Trademark (LECLERC is the personal name of the Complainant's founder and is a coined term that is inherently distinctive, and the Trademark Leclerc is well-known at least in France), the composition of the disputed domain name (which includes the LECLERC Trademark in its entirety with the mere addition of the descriptive word "movement" also used in combination with LECLERC in a Complainant's domain name), the failure of the Respondent to submit a response, and the implausibility of any good faith use to which the disputed domain name may be put. 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.

Lastly, the Panel finds that the Respondent has already registered a domain name for which a panel decision has admitted bad faith registration (*Arcelormittal SA, v. Bienvenu Bikoumou*, WIPO Case No. [D2023-2253](#)). This further reinforces the overall impression of bad faith.

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 <mouvement-leclerc.me> be transferred to the Complainant.

*/Mireille Buydens/*

**Mireille Buydens**

Sole Panelist

Date: May 5, 2025