

ADMINISTRATIVE PANEL DECISION

Association des Centres Distributeurs E. Leclerc – A.C.D. Lec v. Anton Sokolov

Case No. D2024-5301

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 Anton Sokolov, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <leclerc.com> is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 24, 2024. On December 24, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 25, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 January 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 24, 2025.

The Center appointed Gonalo M. C. Da Cunha Ferreira as the sole panelist in this matter on January 28, 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 and is a large supermarket chain headquartered in France with about 750 stores and also in several other European countries. "Leclerc" refers to the last name of the founder and promoter of the association – Mr. Edouard Leclerc. The Complainant owns several trademark registrations for LECLERC, among others:

- European Union trademark LECLERC No. 002700656 filed on May 17, 2002, and registered on February 26, 2004;
- French trademark LECLERC No. 1307790 filed and registered on May 2, 1985.

The disputed domain name was registered on October 10, 2024.

At the time of its detection by the Complainant on November 12, 2024, the disputed domain name redirected to the domain name <leclerc.com.pl>, which leads to the Complainant's official page dedicated to its LECLERC store in Warsaw-Bielany (Poland). The Complainant has also provided evidence that on November 21, 2024, the disputed domain name resolved to a parked page with pay-per-click ("PPC") links and on December 23, 2024, resolved to an inactive page.

On the date of the Decision the disputed domain name resolves to an error page with the message: "Cannot access this site".

The Complainant's representative attempted to contact the Respondent via the email address available on the WhoIs database of the Registrar. The Complainant's representative did not receive any response from the Respondent.

5. Procedural Consideration – Respondent's location

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceeding takes place with due expedition.

Since the Respondent's mailing address is stated to be in Ukraine (whether this is indeed accurate is not clear), which is subject to an international conflict at the date of this Decision that may impact case notification, it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceeding should continue. Having considered all the circumstances of the case, the Panel is of the view that it should.

The Center sent the Notification of Complaint by email to the Respondent at its email address as registered with the Registrar and to a postmaster email address as specified by the Rules. There is no evidence that the case notification email to the first email address was not successfully delivered. The Panel also notes that the Complainant has specified in the Complaint that any challenge made by the Respondent to any decision to transfer or cancel the disputed domain name shall be referred to the jurisdiction of the courts of the location of the principal office of the concerned registrar. In this case, the principal office of the Registrar is in Japan.

It is moreover noted that, for the reasons which are set out later in this Decision, the Panel is convinced (albeit in the absence of any Response) that the Respondent registered and has used the disputed domain name in bad faith and with the intention of unfairly targeting the Complainant's goodwill in its trademark.

The Panel concludes that the Parties have been given a fair opportunity to present their case, and so that the administrative proceeding takes place with due expedition the Panel will proceed to a Decision accordingly.

6. 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:

1. the disputed domain name is strongly confusingly similar to the Complainant's trademark LECLERC;
2. the only difference is the addition of the letter "k", in the middle of the radical of the disputed domain name;
3. this very slight difference has no impact on the strong similarities with the mark LECLERC and does not allow to avoid the risk of confusion with the Complainant's rights;
4. this minimal variance between the disputed domain name and the Complainant's trademark does not prevent confusing similarity between them;
5. the addition of this letter in the disputed domain name can be seen as a typing error and is likely to constitute intentional typosquatting;
6. the denomination "LECLERC" has no meaning in French or English and is highly distinctive as it refers to the name of the founder and promoter of the association – Mr. Edouard Leclerc;
7. the Complainant has not authorized, licensed, or permitted the Respondent to use any of its trademarks or to apply for or use any domain name incorporating the Complainant's trademarks;
8. there is no business relationship existing between the Complainant and the Respondent;
9. the Respondent has no rights or legitimate interests in respect of the disputed domain name;
10. it seems unlikely and implausible that the Respondent was unaware of the activities of the Complainant and of the existence of its trademarks LECLERC at the time the registration of the disputed domain name was made;
11. the disputed domain name was registered and is used in bad faith.

B. Respondent

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

7. 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 mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The disputed domain name is visually and phonetically similar to the trademark LECLERC. The addition of the letter “k” in the middle of the Complainant’s trademark constitutes a classic example of misspelling, as it does not change the pronunciation or the overall sound of the word “LECLERC”. This subtle alteration does not prevent a finding of confusing similarity under the first element.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

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 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 disputed domain name is a clear misspelling of the Complainant’s well-known trademark LECLERC. This practice of typosquatting is indicative of bad faith, as the Respondent has deliberately introduced slight deviations to exploit the Complainant’s reputation for commercial gain.

The Respondent’s choice to register a domain name so closely resembling the Complainant’s trademark suggests that it was aware of the Complainant’s activities and the existence of the LECLERC brand at the time of registration. Given the strong presence of LECLERC supermarkets in France and other European countries, it is implausible that the Respondent was unaware of the Complainant’s trademark.

At the time of its detection, the disputed domain redirected to <leclerc.com.pl>, which leads directly to the Complainant’s official page for its store in Warsaw-Bielany. This redirection further indicates that the Respondent intended to mislead consumers and capitalize on the Complainant’s brand recognition.

The Respondent has not demonstrated any rights or legitimate interests in respect to the disputed domain name. There is no reasonable explanation for the selection of a name that is so similar to a well-established trademark, further underscoring the likelihood that the registration was made in bad faith.

The use of the disputed domain name poses a risk of confusion among consumers, who may mistakenly believe that the website is associated with the Complainant.

This potential confusion can harm the Complainant's brand image and reputation.

The later use of the disputed domain name to resolve to a parked page with PPC links further supports a finding of bad faith as it indicates the Respondent's intention of unfairly capitalizing on the Complainant's trademark. Furthermore, noting the circumstances of the case, the current non-use of the disputed domain name does not prevent a finding of bad faith.

In conclusion, the combination of these factors provides clear evidence that the Respondent registered and is using the disputed domain name in bad faith, fulfilling the requirements under paragraph 4(a)(iii) of the Policy.

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.

The Panel finds that the Complainant has established the third element of the Policy.

8. 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 <lecklerc.com> be transferred to the Complainant.

/Gonçalo M. C. Da Cunha Ferreira/

Gonçalo M. C. Da Cunha Ferreira

Sole Panelist

Date: February 7, 2025