Decision for dispute CAC-UDRP-107156

Case number	CAC-UDRP-107156
Time of filing	2024-12-12 14:07:30
Domain names	leroymerlin-renovation.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	GROUPE ADEO

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	moaj

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant relies on the following registered trademarks:

- EU registration no. 010843597 for LEROY MELIN as a word mark in classes 109, 11, 12, 14, 16-22, 24-28, 31, 35-37, 40-42 and 44 registered on 7 December 2012;
- International registration no. 591251 for LEROY-MERLIN as a figurative mark in classes 1-9, 11, 16, 17, 19-22, 25, 27, 28, 31 and 37 registered on 15 July 1992 designating multiple countries;
- International registration no. 701781 for a logo containing LEROY and MERLIN as a figurative mark in classes 1-9, 11, 12, 14, 16-22, 24-28, 31 and 35-42 registered on 14 August 1998 designating a number of countries.

FACTUAL BACKGROUND

The Complainant's group sells articles for homes, living environments and DIY. Its French subsidiary was formed in 1923 and has traded under the name and mark LEROY MERLIN since then. It is now the leading retailer of DIY goods for home improvement and the living environment in France and has 30,000 employees.

The Complainant owns the registered trademarks identified above. It is also the registrant of numerous domain names containing "leroymerlin" including <leroymerlin.com>, registered on 13 September 1996 and <leroymerlin.fr> registered on 12 September 1996, which is used for the website of its French subsidiary.

The disputed domain name <leroymerlin-renovation.com> was registered on 7 December 2024 and was directed to a website displaying the LEROY MERLIN trademark and offering free quotations for products such heat pumps, ventilators and solar panels and their installation, as if it was a website of the Complainant's French subsidiary or authorised by it. The language of the website was French.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

No administratively compliant Response has been filed.

RIGHTS

The Panel finds that the Complainant has registered rights in the mark LEROY MERLIN.

The disputed domain name consists of the Complainant's mark, the word "renovation" which is generic (in French and English) in relation to the use of many of the Complainant's products, and the generic top level domain name suffix. The elements of the domain name added to the Complainant's mark do not provide any effective distinction. The Panel is satisfied that the disputed domain name is confusingly similar to the Complainant's mark.

Therefore, the Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

The Panel is satisfied that the Respondent's use of the disputed domain name, described above, was not for a bona offering of goods or services, nor a legitimate non-commercial or fair use. On the undisputed evidence, the Respondent is not commonly known by any name corresponding to the disputed domain name and has not been authorised to use any such name.

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

BAD FAITH

The Panel notes the Respondent's use of the disputed domain name described above. It was obviously likely to lead members of the public to believe that the services offered on the Respondent's website were provided by or authorised by the Complainant's LEROY MERLIN subsidiary, and the Panel infers that the Respondent intended this obvious result.

On the basis of this use and the undisputed evidence of the Complainant, the Panel finds that by using the disputed domain name in this way the Respondent intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's website and products and services promoted on it.

In accordance with paragraph 4(b)(iv) of the UDRP this constitutes evidence of registration and use of the disputed domain name in bad faith. There is no material on the file displacing this presumption.

Accordingly, the Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The disputed domain name consists of the Complainant's registered mark together with a generic word and the generic top level domain name suffix. It was used to locate an unauthorised website purporting to offer goods and services of or authorised by the Complainant's French subsidiary. The Respondent had no rights or legitimate interests in the domain name or any corresponding name. The Panel inferred that the Responded intended to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's mark. Paragraph 4(b)(iv) of the UDRP applied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **leroymerlin-renovation.com**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2025-01-26

Publish the Decision