Decision for dispute CAC-UDRP-107604

Case number	CAC-UDRP-107604
Time of filing	2025-05-22 10:59:42
Domain names	leroymerlindexter.com

Case administrator

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

Complainant

Organization	GROUPE ADEO

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	guy marsal

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 is the owner of several trademarks "LEROY MERLIN", such as:

- The international figurative trademark LEROY-MERLIN No. 591251, application date 15 July 1992;
- The international figurative trademark LEROY MERLIN No. 701781, application date 14 August 1998;
- The European word trademark LEROY MERLIN No. 10843597, application date 27 April 2012; and
- The European figurative trademark LEROY MERLIN No. 11008281, application date 2 July 2012.

("**Complainant's Trademarks**")

The disputed domain name <leroymerlindexter.com> was registered on 16 May 2025.

FACTUAL BACKGROUND

As the Respondent did not file any response to the complaint, the Panel took into account the following facts asserted by the

Complainant (and supported by the documentary evidence submitted by the Complainant) and unchallenged by the Respondent:

a. the Complainant is a French company specializing in the sale of articles covering all sectors of the home, the development of the living environment and DIY, both for individuals and professionals, its primary brand being LEROY MERLIN, created in 1923, the leading DIY retailer in the home improvement and living environment market, with 28,000 employees in France;

b. the Complainant is the owner of Complainant's Trademarks; and

c. the disputed domain name was registered on 16 May 2025 and there is no active website under the disputed domain name.

PARTIES CONTENTIONS

THE COMPLAINANT:

In addition to the above factual assertions, the Complainant also contends the following:

1. The disputed domain name is confusingly similar to Complainant's Trademarks because it wholly incorporates the "LEROY MERLIN" word element of such trademarks. The addition of the term "DEXTER" does not eliminate confusion but actually reinforces it, since DEXTER refers to a product range developed and sold by the Complainant in LEROY MERLIN stores. The .com suffix is disregarded under UDRP analysis as a standard registration requirement, and previous UDRP panels have consistently recognized the Complainant's rights in the Complainant's Trademarks;
2. The Respondent lacks rights or legitimate interests in the domain name. The Respondent is not identified by the disputed domain name, has no relationship with the Complainant, and was never authorized to use the Complainant's Trademarks. Most significantly, the domain resolves to a blank page, demonstrating no bona fide offering of goods or services or legitimate noncommercial use; and
3. The disputed domain name was registered years after the Complainant's Trademark registration, and given their established reputation and distinctiveness, it is reasonable to infer the Respondent domiciled in France had full knowledge of the Complainant's rights. The inclusion of "DEXTER" cannot be coincidental since it specifically references the Complainant's product line. The passive holding of the domain with no demonstrable legitimate use, combined with the incorporation of a famous mark, constitutes bad faith registration and use under established UDRP case law.

For these reasons the Complainant believes that it satisfies all requirements under the Uniform Domain Name Dispute Resolution Policy ("**UDRP**" or "**Policy**") for transfer of the disputed domain name to the Complainant.

THE RESPONDENT:

The Respondent did not provide any response to the complaint.

RIGHTS

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).

For details, please see "Principal Reasons for the Decision".

NO RIGHTS OR LEGITIMATE INTERESTS

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).

For details, please see "Principal Reasons for the Decision".

BAD FAITH

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).

For details, please see "Principal Reasons for the Decision".

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

Paragraph 4(a) of the Policy requires that the Complainant proves each of the following three elements to obtain an order that the disputed domain name should be transferred or cancelled:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(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.

The Panel will now analyse whether the three elements of paragraph 4(a) of the Policy are satisfied in these proceedings.

IDENTITY / CONFUSING SIMILARITY

The disputed domain name is confusingly similar to Complainant’s Trademarks as it contains the word element “LEROY MERLIN” which is identical to Complainant’s Trademarks and the addition of the element "DEXTER” is not sufficient to distinguish the disputed domain name from Complainant’s Trademarks.

In line with the long-established UDRP practice the Panel also concludes that the top-level suffix in the domain name (i.e. the ".com") must be disregarded under the identity / confusing similarity test as it is a necessary technical requirement of registration.

Therefore, the Panel concludes that the Complainant satisfied the requirement under paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy (please see, for example, WIPO case No. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd. <croatiaairlines.com>).

As asserted by the Complainant (and unchallenged by the Respondent), the Respondent is not commonly known by the disputed domain name. Neither is the Respondent in any way related to the Complainant. No website is operated under the disputed domain name. The Respondent failed to provide any information and evidence that it has relevant rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a) (ii) of the Policy).

Therefore, the Panel concludes that the Respondent has 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 noted that the Complainant is a well-known company in several countries and particularly in France where the Respondent allegedly resides. Thus, given the distinctiveness of the Complainant's Trademarks and their reputation, the Panel agrees with the Complainant that the Respondent has registered the disputed domain name with full knowledge of the Complainant's Trademarks, and therefore must have acted deliberately. In this respect, the Panel also deems appropriate to refer to paragraph 2 of the Policy under which it is the responsibility of the Respondent as the registrant of disputed domain name to determine whether its registration infringes or violates someone else's rights. Also, the Respondent added a term "DEXTER" to the disputed domain name referring to the brand of products sold in LEROY MERLIN stores. By doing so the Respondent deliberately increased the confusing similarity between the disputed domain name and the business of the Complainant even further.

In the light of the above circumstances the Panel failed to find any plausible good faith reasons for registration and use of the disputed domain name by the Respondent. The Respondent has not submitted any response to the Complaint and therefore has not presented any facts or arguments that could counter the above conclusions of the Panel. As a result, the Panel holds that the disputed domain name has been registered and is being used by the Respondent in bad faith (within the meaning of paragraph 4(a)

(iii) of the Policy).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **leroymerlindexter.com**: Transferred

PANELLISTS

Name	**Michal Matějka**

DATE OF PANEL DECISION 2025-06-13

Publish the Decision