Decision for dispute CAC-UDRP-108043

Case number	CAC-UDRP-108043
Time of filing	2025-10-13 09:58:11
Domain names	leroymerlin.live

Case administrator

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

Complainant

Organization	GROUPE ADEO

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	Traffic Jet

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

International Trademarks: LEROY-MERLIN No. 591251, registered 15 July 1992; LEROY MERLIN No. 701781, registered 14 August 1998

European Union Trademarks: LEROY MERLIN No. 10843597, registered 27 April 2012; LEROY MERLIN No. 11008281, registered 2 July 2012

FACTUAL BACKGROUND

The Complainant is a French company operating in the home improvement and DIY (do it yourself) retail sector. Its flagship brand, LEROY MERLIN, founded in 1923, is described as the leading DIY retailer in France, employing 30,000 people.

The Complainant owns several LEROY MERLIN trademarks (international and EU) and operates domain names incorporating the mark, including <leroymerlin.fr> and <leroymerlin.com>.

The disputed domain name, <leroymerlin.live>, was registered on 3 October 2025. According to the Complainant, it resolves to a blank page and has not been used in any manner.

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 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 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 Complainant has **NOT**, 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

First condition

The disputed domain name reproduces in its entirety the Complainant's LEROY MERLIN trademark. Under well-established doctrine in domain name dispute matters, the extension used at registration (whether a traditional gTLD or a newer one such as ".live") is considered a purely technical element and does not affect the assessment of similarity.

The Panel therefore finds that the first element is satisfied.

Second condition

The Complainant states that it has never authorised the Respondent to use the LEROY MERLIN trademark, whose notoriety is widely established. The Complainant further notes that nothing suggests the Respondent is commonly known by that name, as the Whois data does not reflect it. No evidence indicates that the Respondent has any legitimate interest or operates any activity connected with the mark.

These undisputed elements are sufficient to establish a prima facie case of lack of rights or legitimate interests, all the more so given the very high level of fame of the mark. As the Respondent did not reply, nothing has been submitted to rebut this showing.

The Panel therefore finds that the second element is satisfied.

Third condition

The Complainant contends that the domain name was registered and is being used in bad faith, relying on the strong notoriety of the LEROY MERLIN mark, the exact identity between that mark and the domain name, and the total absence of use.

The Panel recalls that the mere fact that the trademark at issue is well known does not, in itself, suffice to establish bad faith under the Policy. While notoriety may allow an inference that the Respondent was aware of the mark when registering the domain name, it does not dispense with a concrete, case-by-case assessment of bad faith based on the circumstances of the dispute.

Two circumstances are particularly relevant here.

First, the domain name resolves to a completely blank page, with no content, no advertising, and no activity of any kind. The Panel is aware that some cybersquatters deliberately refrain from activating a domain name (passive holding) in order not to reveal their bad faith. Although passive holding can undoubtedly be taken into account in assessing bad faith, such analysis cannot disregard the duration of that passive holding. It is precisely here that the second characteristic of the case, discussed below, becomes relevant.

Second, this passive holding took place over an extremely brief period: the domain name was registered on 3 October 2025 and the Complaint was filed on 10 October 2025, only seven days later. A timeframe of this nature cannot reasonably be equated with prolonged inactivity and cannot, on its own, sustain a finding of bad faith.

In Telstra, cited by the Complainant, passive holding had continued for a significant period, the Respondent had remained completely unreachable throughout that time, and the persistent absence of activity enabled the Panel to infer that no plausible use other than abusive use existed. It was the duration of the holding, combined with other corroborating elements, that gave significance to the inactivity.

In Toeppen, also cited by the Complainant, passive use was only one factor: the Respondent engaged in repeated and well-documented abusive registrations, which informed the Panel's assessment.

None of these characteristics is present here. A period of one week cannot be equated with prolonged passive holding nor with a comparable strategy of abusive conduct.

Panel's Final Assessment

In these circumstances, the Panel finds that the elements submitted do not suffice to establish that the domain name was registered and is being used in bad faith within the meaning of the Policy. The Panel (not naïve, but above all bound by the Policy) emphasises that this decision does not in any way diminish the relevance of passive holding as a factor in assessing bad faith. This decision merely recognises that, in this specific case, passive holding lasting only a few days, and ultimately constituting the Complainant's only substantive argument, cannot amount to sufficient evidence of bad faith. Nothing prevents the Complainant, should new or more complete evidence arise (for example, any active use, or prolonged passive use), from filing a new, properly substantiated Complaint.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

1. **leroymerlin.live**: Remaining with the Respondent

PANELLISTS

Name	**Mr. Etienne Wéry**

DATE OF PANEL DECISION 2025-11-15

Publish the Decision