Decision for dispute CAC-UDRP-108470

Case number	CAC-UDRP-108470
Time of filing	2026-03-09 08:47:17
Domain names	leroymerlinpay.site

Case administrator

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

Complainant

Organization	GROUPE ADEO

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Maria Eduarda Schumar Soares

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 a number of "LEROY MERLIN" trademark registrations, including the following:

- The international trademark registration (IR) under the Madrid system "LEROY-MERLIN" (word) No. 591251, registered on July 15, 1992 and protected inter alia in Algeria, Austria, China, Croatia, Russia, Turkey and Ukraine;
- The IR "LEROY MERLIN" (word and device) No. 701781, registered on August 14, 1998, protected inter alia in the Benelux, China, Portugal, Switzerland and Spain;
- The European Union (EU) trademark registration "LEROY MERLIN" (word) No. 10843597, registered on December 07, 2012 and
- The Brazilian trademark "LEROY MERLIN" (word and device) No. 819162027, registered on September 15, 1998.

FACTUAL BACKGROUND

THE DISPUTED DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR TO A TRADEMARK OR SERVICE MARK IN WHICH THE COMPLAINANT HAS RIGHTS

The Complainant states that it is a French company specializing in all sectors of household goods, the development of the living environment and DIY, both for individuals and professionals, originally founded in 1923.

The Complainant claims that it is one of the largest retailers in these sectors active worldwide, including Brazil.

The Complainant relies on its "LEROY MERLIN" trademarks, including the trademarks provided above ("Trademarks") and also refers to its domain names, including <leroymerlin.fr> and <leroymerlin.com> registered since 1996.

The Complainant claims the disputed domain name is confusingly similar to its Trademarks since it fully incorporates the "LEROY MERLIN" mark and the addition of "pay" does not eliminate confusing similarity.

THE RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

The Complainant submits that the Respondent has no rights or legitimate interest in respect of the disputed domain name.

The Respondent is not known by the disputed domain name, she is not related in any way with the Complainant and the Complainant does not carry out any activity for, nor has any business with the Respondent.

The Respondent did not receive any license or authorization to register and use the disputed domain name.

According to the Complainant, the disputed domain name resolves to a page without substantial content. The Complainant contends that Respondent did not make any use of disputed domain name since its registration, and it confirms that Respondent has no demonstrable plan to use the disputed domain name.

This, in Complainant's view, demonstrates a lack of rights or legitimate interest in respect of the disputed domain name.

THE DISPUTED DOMAIN NAME WAS REGISTERED AND IS BEING USED IN BAD FAITH

The Complainant's submissions on the third UDRP element can be summarized as follows:

- The disputed domain name was registered many years after the registration of the Trademarks, including the Brazilian trademark of the Complainant;
- The Complainant operates worldwide, including Brazil, country of Respondent's residence;
- Previous UDRP panels found Complainant's trademarks widely-known and the "LEROY MERLIN" designation is associated only with the Complainant; and
- The Complainant relies on the "passive holding" doctrine as provided in sec. 3.3 of WIPO Overview of WIPO Panel Views on Select UDRP Questions (“WIPO Overview 3.1”) and also submits that the incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use.

PARTIES CONTENTIONS

The Complainant's contentions are summarized in the Factual Background section above.

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, 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

A. Identical or confusingly similar

The Complainant provided evidence of its "LEROY MERLIN" trademark registrations protected in various jurisdictions.

As confirmed by WIPO Overview 3.1: “where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case” (see sec. 1.2.1).

Therefore, the Complainant proved it has trademark rights.

With regard to confusing similarity, the Panel notes that the disputed domain name fully incorporates the Complainant's mark and includes a descriptive term "pay".

The Panel agrees with WIPO Overview 3.1 view that "where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element" (see sec. 1.8).

The trademark is clearly recognizable within the disputed domain name and the presence of a descriptive term "pay" does not affect confusing similarity.

The “.site” TLD is to be disregarded for the first element analysis as it is a standard registration requirement.

Therefore, the Panel finds that the first requirement of the Policy has been satisfied.

B. Rights or Legitimate Interests

The general rule in UDRP jurisprudence is the following:

(i) a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests; and

(ii) once such a prima facie case is made, the burden shifts to the respondent who has to demonstrate his rights or legitimate interests in respect of the domain name under paragraph 4 (c) of the Policy.

If the respondent fails to do so, the second element of the Policy is satisfied, see sec. 2.1 of WIPO Overview 3.1.

The Respondent did not respond.

While failure to respond does not per se demonstrate that the Respondent does not have rights or legitimate interests, it allows the Panel to draw such inferences as it considers appropriate, see paragraph 14(b) of the Rules and **CAC Case No. 101284**: “A respondent is not obliged to participate in a proceeding under the Policy, but if it fails to do so, reasonable inferences may be drawn from the information provided by the complainant”.

The Complainant has made a prima facie case of the Respondent’s lack of rights or legitimate interests.

The disputed domain name was registered on February 27, 2026 and it resolves to a page with the following text in Portuguese:
"Celebre Pay
© 2026 Celebre Pay. Todos os direitos reservados" (Eng. "All rights reserved").

According to the Panel's independent research (conducted in accordance with par. 10 of the UDRP Rules), the term "Celebre Pay" is associated with payment solutions / payment applications, including Complainant's own payment application "Leroy Merlin Pay".

The Panel finds that such use coupled with the composition of the disputed domain name, indicates impersonation/passing off.

The Panel agrees with a consensus view expressed in sec. 2.13.1 of WIPO Overview 3.1 that "the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or (unlicensed) pharmaceuticals, phishing/identity theft, distributing malware, unauthorized account access/hacking, copycat sites, passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent".

Besides, the disputed domain name itself (full incorporation of the Complainant's mark + "pay") suggests affiliation with the Complainant (see sec. 2.5 of WIPO Overview 3.1).

Given the absence of the response and any explanations from the Respondent as to her choice of the disputed domain name, the Panel does not see any rights or legitimate interest of the Respondent in the circumstances of this dispute.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy lists non-exhaustive circumstances indicating registration and use in bad faith.

These circumstances are non-exhaustive and other factors can also be considered in deciding about the bad faith element.

It is well established that bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark (see sec. 3.1 of WIPO Overview 3.1).

Targeting with the intent to take unfair commercial advantage of the complainant's mark is important in establishing bad faith under the Policy.

As noted in "UDRP Perspectives on Recent Jurisprudence", updated on June 02, 2025, ("UDRP Perspectives") in sec. 3.3: "targeting can be established by either direct evidence (e.g. content of the website) or circumstantial evidence such as strength of the mark and nature of a disputed domain name (e.g. mark plus a term describing Complainant's business), timing of registration of a domain name and timing of trademark registration, geographic proximity of the parties".

Here, direct evidence indicates that the Respondent targeted the Complainant and such targeting was with an intent to profit commercially from the Complainant's trademarks.

The Panel finds that the disputed domain name was registered and is being used in bad faith based on the following:

1. Timing of registration of the disputed domain name, many years after the Complainant registered its own Trademarks, including its Brazilian trademark and the composition of the disputed domain name, that indicates that the Respondent was aware of the Complainant and its trademarks on the date of registration of the disputed domain name;

2. The Trademarks are widely-known and used globally, including Brazil. The Complainant provided evidence of its business operation in Brazil under the Trademarks. It is highly unlikely that the Respondent was unaware of the Complainant and its Trademarks;
3. Nature of use of the disputed domain name, as explained above under the second element analysis, indicates Respondent's intent of impersonation / passing off. As stated in WIPO Overview 3.1: "given that the use of a domain name for per se illegitimate activity can never confer rights or legitimate interests on a respondent, such behavior is manifestly considered evidence of bad faith" (see sec. 3.1.4); and

4. Based on the above, the Panel finds that the Respondent's behavior falls within par. 4 b (iv) of UDRP and the Respondent by using the disputed domain name has intentionally attempted to attract, for commercial gain, Internet users to his web site, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement and that the Respondent targeted the Complainant with an attempt to take unfair advantage of the Complainant's mark and that in itself demonstrates bad faith registration and use.

The Panel holds that the third requirement of the Policy has been satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **leroymerlinpay.site**: Transferred

PANELLISTS

Name	**Igor Motsnyi**

DATE OF PANEL DECISION 2026-04-01

Publish the Decision