

## **ADMINISTRATIVE PANEL DECISION**

Carrefour SA v. Sistemas RUA, Daramix S.A.  
Case No. D2024-0980

### **1. The Parties**

The Complainant is Carrefour SA, France, represented by IP Twins, France.

The Respondent is Sistemas RUA, Daramix S.A., Uruguay.

### **2. The Domain Name and Registrar**

The disputed domain name <carrefour-assistance.com> is registered with GoDaddy.com, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 6, 2024. On March 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 7, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 8, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on March 8, 2024.

The Center verified that the Complaint together with the amended 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 March 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 4, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 5, 2024.

The Center appointed Andrea Cappai as the sole panelist in this matter on April 19, 2024. 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, a public limited company operating in the retail sector, is headquartered in France and reports a turnover of approximately 80 billion euros. It operates over 12,000 stores across more than 30 countries globally and attracts 1.3 million daily unique visitors to its web stores.

The Complainant holds numerous trademarks for the sign "CARREFOUR", including:

- International Trademark Registration No. 191353, registered on March 9, 1956.
- International Trademark Registration No. 353849, registered on February 28, 1969.
- European Union ("EU") Trademark Registration No. 5178371, registered on August 30, 2007.

Additionally, the Complainant owns several domain names that incorporate the CARREFOUR trademark across both generic and country code Top-Level Domains, predating the disputed domain name. Notably, the domain name <carrefour.com> was created on October 25, 1995.

The Complainant also has a significant online presence, particularly on French social networks.

The disputed domain name <carrefour-assistance.com> was registered on December 19, 2023, and is currently not in use.

#### **5. 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 the disputed domain name closely resembles its globally recognised CARREFOUR trademarks. It further claims that the use of these trademarks in the disputed domain name without authorization, coupled with no evidence of the Respondent being commonly recognized by this name, indicates that the Respondent has no rights or legitimate interests in the disputed domain name.

The Complainant maintains that the distinctiveness and fame of its trademarks suggest the Respondent was aware of the Complainant's brand upon registration. Given the trademarks' well-established reputation, the Complainant argues that any use of the disputed domain name by the Respondent would likely not be seen as legitimate. Consequently, the Complainant alleges that the Respondent has registered and is using the disputed domain name in bad faith.

##### **B. Respondent**

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

## 6. 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.

Although the addition of other terms such as "assistance" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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

### B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

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 Complainant contends that the Respondent lacks authorisation to utilise the CARREFOUR trademark and is not affiliated with nor licensed by the Complainant. The composition of the disputed domain name not only suggests a deceptive affiliation but also hints to the Respondent's intention to unfairly capitalise on this similarity, thereby precluding any legitimate rights or interests in the disputed domain name.

Additionally, it appears that the Respondent is not associated with the disputed domain name, reportedly holds no rights to the sign CARREFOUR, and demonstrates no bona fide use of it, either commercially or non-commercially. Based on these assertions, the Panel finds it reasonable to conclude that the Respondent lacks any legitimate interest or rights in the use of the disputed domain name.

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.

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.

Given the renown of the Complainant's trademark, underscored by its substantial business operations and significant online presence, the registration of a domain name that melds this renowned trademark with a generic term “-” potentially alluding to customer support “-” can foster a misleading association. The Panel finds no credible rationale for the selection of this domain aside from an intent to target the Complainant. Moreover, the Respondent cannot plausibly claim ignorance of the Complainant's trademark, considering its broad recognition and distinctive character. Additionally, prior UDRP panels have consistently determined that the registration of a domain name identical or confusingly similar to a well-known trademark by an unrelated party is generally indicative of bad faith, as outlined in [WIPO Overview 3.0](#), section 3.1.4.

No justification for the selection of the disputed domain name has been provided by the Respondent.

Regarding the use, the absence of active utilization of the disputed domain name does not preclude a finding of bad faith. In assessing whether the Respondent's actions constitute bad faith, the Panel examines a range of indicative factors. These include the widespread recognition of the Complainant's trademark, the Respondent's failure to respond, intentional concealment of identity, and the absence of any credible good faith application of the disputed domain name. Taken together, these elements convincingly support the conclusion that the disputed domain name was registered and is being used in bad faith, in accordance with paragraph 4(b)(iv) of the Policy.

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

### **7. 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 <carrefour-assistance.com> be transferred to the Complainant.

*/Andrea Cappai/*

**Andrea Cappai**

Sole Panelist

Date: May 3, 2024