

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Alex Poluh
Case No. D2024-4852

1. The Parties

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

The Respondent is Alex Poluh, Hong Kong, China.

2. The Domain Name and Registrar

The disputed domain name <carrefour.best> is registered with Sav.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 25, 2024. On November 25, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 25, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 26, 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 November 26, 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 December 2, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 22, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 27, 2024.

The Center appointed Marilena Comanescu as the sole panelist in this matter on January 7, 2025. 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 is one of the worldwide leaders in retail and a pioneer of the concept of hypermarkets back in 1968. With a turnaround of EUR 76 billion in 2018, the Complainant is listed on the index of the Paris Stock Exchange (CAC 40). The Complainant operates more than 12,000 stores in more than 30 countries worldwide; has more than 384,000 employees and 1.3 million daily unique visitors in its stores. The Complainant additionally offers travel, banking, insurance, and ticketing services.

The Complainant owns hundreds of trademark rights worldwide for or including CARREFOUR, such as the following:

- the European Union trademark registration number 008779498 for CARREFOUR (word), filed on December 23, 2009, registered on July 13, 2010, covering services in International Class 35;
- the International Trademark Registration number 563304 for CARREFOUR (word), registered on November 6, 1990, covering goods and services in International Classes from 1 to 42; and
- the United States of America Trademark Registration number 6763415 for CARREFOUR (word), filed on December 8, 2020, registered on June 21, 2022, covering services in International Class 35.

The Complainant owns numerous domain names incorporating CARREFOUR, such as <carrefour.com> registered on October 25, 1995, and <carrefour.fr> registered on June 23, 2005.

The disputed domain name was registered on October 14, 2024, and, at the time of filing of the Complaint, it was not actively used, directing to an error page.

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 is identical or highly similar to its earlier well-known trademarks; the generic Top-Level Domain ("gTLD") ".best" should not be taken in consideration when evaluating the risk of confusing similarity; the Respondent has no rights or legitimate interests in the disputed domain name; the lack of legitimate interest and the addition of the illegitimate use of the fame of the trademark CARREFOUR cannot allow the Complainant to think that the Respondent plans to use the disputed domain name in a legitimate way; the Respondent registered and is using the disputed domain name in bad faith, as evidenced by: the first CARREFOUR trademark was registered in 1968, long before the registration of the disputed domain name; the Complainant's marks are intensively used in numerous countries worldwide and the Complainant enjoys a solid notoriety; the Complainant's mark is well known worldwide and it is nearly impossible, regarding the composition and the complexity of the disputed domain name (9 symbols), that the similarity with the trademark is a coincidence; by reproducing the Complainant's trademark in the disputed domain name, the Respondent strengthens the impression that he or she is affiliated with the Complainant, moreover the use of the disputed domain name for the corresponding website's URL suggests an intention by the Respondent to take profit from the trademark's CARREFOUR reputation, by redirecting Internet users to his website; the fact that the Respondent's website has been and is still inactive, strengthen the assumption that the Respondent registered and is using the disputed domain name in order to disturb the Complainant's activities or to resell it; and the non-use of the disputed domain

name does not prevent a finding of bad faith under the doctrine of passive holding, particularly when the disputed domain name is identical to an anterior trademark.

B. Respondent

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

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

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 entirety of the CARREFOUR mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 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 Panel notes the composition of the disputed domain name, reproducing exactly the Complainant's well-known trademark, and being highly similar to the Complainant's trade name and domain names, and thus suggesting an affiliation with the Complainant. UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.0](#), section 2.5.1.

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.

In the present case, the Panel notes that the disputed domain name was registered in bad faith, with knowledge of the Complainant and its trademark particularly because it reproduces the Complainant's trademark exactly, and the Complainant's trademark predates the registration of the disputed domain name by more than 50 years and is well known worldwide.

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.

At the time of filing the Complaint, the disputed domain name was not connected to an active website.

UDRP panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel notes the distinctiveness and international reputation of the Complainant's trademark; the composition of the disputed domain name (i.e., identical and highly similar to the Complainant's trademark, trade name and domain names); the Respondent's failure to respond to the present proceedings; the implausibility of any good faith use to which the disputed domain name may be put, and finds that, in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. [WIPO Overview 3.0](#), section 3.3.

Previous UDRP panels have found that the mere registration of a domain name that is identical or confusingly similar to a widely known trademark by an unaffiliated entity can, by itself, create a presumption of bad faith for the purpose of Policy. [WIPO Overview 3.0](#), section 3.1.4.

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.best>, be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: January 15, 2025