

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Gan Li
Case No. DCC2024-0033

1. The Parties

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

The Respondent is Gan Li, Cambodia.

2. The Domain Name and Registrar

The disputed domain name <carefour.cc> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 26, 2024. On November 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 26, 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 (Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 27, 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 28, 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 November 28, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 18, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 19, 2024.

The Center appointed Anna Carabelli as the sole panelist in this matter on January 2, 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 has been engaged in retail activities under the mark CARREFOUR for almost 60 years. Currently it operates over 12,000 stores in more than 30 countries and is listed on the index of the Paris Stock Exchange (CAC 40).

The Complainant owns several trademark registrations for CARREFOUR in many jurisdictions, including the following:

- International trademark registration no. 351147, registered on October 2, 1968, duly renewed, in classes 1-34; and
- International trademark registration no. 353849, registered on February 28, 1969, duly renewed, in classes 35-42.

The Complainant also owns domain name registrations consisting of the CARREFOUR trademark, including <carrefour.com>, registered since 1995. The Complainant has online presence via social media platforms.

The disputed domain name was registered on November 16, 2024. According to the evidence submitted with the Complaint, the disputed domain name resolved to an active page with the title “Carrefour | Global”, purportedly offering a wide range of products for sale. On November 19, 2024, the Complainant sent a notice of takedown to the Registrar, which, at the time of filing the Complaint, appeared to be unsuccessful. At the time of this decision, the disputed domain name resolves to an inactive webpage stating “Unable to reach site”.

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 Complainant's CARREFOUR trademark is distinctive and globally recognized;
- The disputed domain name is confusingly similar to a trademark in which the Complainant has rights, since it imitates the Complainant's CARREFOUR mark but for one of the letters “r”;
- The Respondent has no rights or legitimate interests in the disputed domain name since: (i) the Complainant has not authorized or somehow given consent to the Respondent to register and use the disputed domain name, (ii) the Respondent is not commonly known by the disputed domain name, and (iii) the Respondent's use of the disputed domain name is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use;
- The disputed domain name was registered and is being used in bad faith to create a false affiliation with and take advantage of the Complainant's trademark; and
- The fact that the Respondent registered the disputed domain name with a privacy shield service and used fanciful contact details to conceal its identity, are further evidence of the Respondent's bad faith.

Based on the above the Complainant requests the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the panel to decide the complaint based on the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

Under paragraph 4(a) of the Policy, the complainant must prove each of the following:

- (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 respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

Paragraph 4(b) of the Policy sets out four illustrative circumstances, which for the purposes of paragraph 4(a)(iii) of the Policy, shall be evidence of registration and use of a domain name in bad faith.

Paragraph 4(c) of the Policy sets out three illustrative circumstances any one of which, if proved by the respondent, shall be evidence of the respondent's rights to or legitimate interests in a disputed domain name for the purpose of paragraph 4(a)(ii) of the Policy above.

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. The disputed domain name is virtually identical to the Complainant's CARREFOUR trademark except for the omission of one of the letters "r". This is an example of an intentional misspelling of a trademark that results in a domain name that is confusingly similar to the mark, and a typical case of typosquatting. Accordingly, The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark CARREFOUR. [WIPO Overview 3.0](#), section 1.9.

The addition of the country code Top-Level Domain ("ccTLD"), such as ".cc", is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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. Additionally, the website at the typosquatting disputed domain name with a title referring to Carrefour purportedly offering for sale various products is evidence of a lack of rights or legitimate interests in 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.

In the present case, the Panel notes that the Complainant’s CARREFOUR trademark has been continuously and extensively used globally for many years and have, as a result, acquired considerable reputation and goodwill worldwide, as recognized by many prior UDRP decisions. See *Carrefour v. Simon Lundgren*, WIPO Case No. [DAE2014-0001](#); *Carrefour v. Tucows Domains Inc. / Torsten Littmann*, WIPO Case No. [D2019-2328](#); *Carrefour v. Tool Domains Ltd*, WIPO Case No. [DGE2018-0002](#); *Carrefour SA v. Damon Matt*, WIPO Case No. [D2023-4630](#) and *Carrefour SA v. sdds sdd, wssfswefoiifnd*, WIPO Case No. [D2023-4550](#).

In view of the well-known character of the CARREFOUR trademark, it is difficult to believe that the Respondent did not have in mind the Complainant’s trademark when registering the disputed domain name. Moreover, the omission of one of the letters “r” that make up the Complainant’s CARREFOUR mark, is evidence that the Respondent was aware of and sought to imitate the Complainant’s mark when it registered the disputed domain name. Prior panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos) to a famous or well-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4. See, *Longs Drug Stores Cal., Inc. v. Shep Dog*, WIPO Case No. [D2004-1069](#); *Lexar Media, Inc. v. Huang*, WIPO Case No. [D2004-1039](#); *Wal-Mart Stores, Inc. v. Longo*, WIPO Case No. [D2004-0816](#); *Redbox Automated Retail, LLC d/b/a Redbox v. Milen Radumilo*, WIPO Case No. [D2019-1600](#).

On the balance of probabilities, and in the absence of any evidence to the contrary, the Panel concludes that the Respondent set out to target the Complainant and to deceive users by engaging in a typosquatting scheme, adopting a domain name with a slight misspelling, with an intention to divert Internet users to its website by creating a likelihood of confusion with the Complainant as to the source, sponsorship, affiliation, or endorsement of its website or of a product on its website. This is evidence bad faith under paragraph 4(b)(iv) of the Policy.

The fact that the disputed domain name does not currently point to an active website and merely resolves to a webpage stating that the site cannot be reached, does not prevent a finding of bad faith under the passive holding doctrine given the totality of the circumstances in the present case. [WIPO Overview 3.0](#), section 3.3.

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 <carefour.cc> be transferred to the Complainant.

/Anna Carabelli/

Anna Carabelli

Sole Panelist

Date: January 15, 2024