

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. pavd astronaut

Case No. D2025-0520

1. The Parties

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

Respondent is pavd astronaut, United States of America.

2. The Domain Name and Registrar

The disputed domain name <carrefourpass-clientes.com> (the “Domain Name”) 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 February 10, 2025. On February 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 10, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on February 11, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on February 12, 2025.

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 Respondent of the Complaint, and the proceedings commenced on February 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 5, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on March 7, 2025.

The Center appointed Clive L. Elliott K.C. as the sole panelist in this matter on March 17, 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

Complainant is a French company and a worldwide retailer, with the introduction of the hypermarket in 1963, as well as offering travel, banking, insurance, and ticketing services. Operating more than 12,000 stores in more than 30 countries worldwide, Complainant is also listed on the Paris Stock Exchange (CAC40).

Complainant is the registered owner of several hundred trade marks worldwide in the term “CARREFOUR” and “CARREFOUR PASS” (Complainant’s Mark), including but not limited to:

Trade Mark	Jurisdiction	Registration No.	Registration Date	Class
CARREFOUR	International Registration	563304	November 6, 1990	1 – 42
CARREFOUR	France	1565338	May 25, 1990	1 – 34
CARREFOUR PASS	International Registration	719166	August 18, 1999	36
CARREFOUR	European Union	8779498	July 13, 2010	35
CARREFOUR	United States of America	6763415	June 21, 2022	35

In addition, Complainant is the owner of a significant number of domain names identical to, or comprising Complainant’s Mark, including:

- (a) <carrefour.com>, registered October 25, 1995;
- (b) <carrefour.fr>, registered June 23, 2005;
- (c) <carrefourpass.com>, registered May 31, 2010; and
- (d) <carrefourpass.net> registered October 16, 2013.

Complainant uses all these domain names, amongst many others, in order to develop its brand and promote its products and services.

According to the publicly available Whois the Domain Name was registered on January 24, 2025. As at the date of the Complaint no active website was associated with the Domain Name and the Domain Name resolved to an error page.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that the Domain Name is highly similar to its trade mark CARREFOUR PASS and this creates a confusing similarity with Complainant’s Mark. The only difference is the addition of the word “clientes” which is a French feminine word meaning “customers” or “clients” together with a hyphen. The risk of confusion is created by the use of Complainant’s Mark in the lead position, and the generic term “clientes” separated by a hyphen, which makes it easily identifiable. Moreover, as the word “clientes” means “customers” it would increase the risk of confusion in the mind of the Internet user as this term is directly linked to Complainant’s commercial activity, thereby giving rise to an expectation of affiliation.

Complainant states that it has never authorized Respondent to use Complainant's Mark in any manner, nor has it given consent for registration of the Domain Name. Complainant further states that it has found no evidence that Respondent is known by the Domain Name, nor has Respondent used the Domain Name in relation to a bona fide offering of goods or services, but rather the Domain Name has been inactive on the web and resolves to an error page.

Complainant therefore submits that Respondent has no rights or legitimate interests in the use of the Domain Name and that the Domain Name has been registered and is being used in bad faith.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The first element of the Policy functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between Complainant's Mark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Complainant's Mark is recognizable within the Domain Name. That is, on the basis that the Domain Name differs only to the extent of adding the word "clientes", which is a French word for female "customers" or "clients" accompanied by a hyphen. Accordingly, the Domain Name is confusingly similar to Complainant's Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of the above word and hyphen may be relevant in terms of assessing the second and third elements, the addition of the word and hyphen does not, in and of itself, prevent a finding of confusing similarity between the 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 Respondent may demonstrate rights or legitimate interests in the 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 respondent lacks rights or legitimate interests, the burden of production on this element shifts to respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the Domain Name (although the burden of proof always remains on complainant). If respondent fails to come forward with such relevant evidence, complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Based on the record, the Panel finds Complainant has established a *prima facie* case that Respondent lacks rights or legitimate interests in the Domain Name. Respondent has failed to rebut Complainant's *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name, such as those enumerated in the Policy or otherwise.

Of particular significance in the present case, it is alleged that the Domain Name does not resolve to an active website. Instead, it reverts to error pages. Complainant submits that this indicates that there is no bona fide offering of goods or services and the Domain Name is being passively held by Respondent.

Such activity on its own is not indicative of any rights or legitimate interests. Instead, it carries a risk that the Domain Name may be used to impersonate Complainant. In this regard, the composition of the Domain Name, incorporating Complainant's distinctive trade mark with the word "clientes", which is a French word for female "customers" or "clients" accompanied by a hyphen. Complainant asserts that this word is descriptive and is directly linked to Complainant's commercial activity, thereby giving rise to an expectation of affiliation. In the Panel's view this submission has merit. Such composition of the Domain Name carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

Additionally, there is no evidence that Respondent is commonly known by the Domain Name.

Accordingly, 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.

The Panel notes that the composition of the Domain Name, incorporating Complainant's distinctive and long-standing mark with a word related to its operations, namely its clients or customers, suggests Respondent knew of and sought to take advantage of Complainant's Mark when registering the Domain Name.

As noted above, Respondent has not put forward any credible explanation for the choice of the Domain Name. Absent such explanation, the Panel considers that there is a significant risk that communications originating from or associated with the Domain Name would be misleading or deceptive, falsely suggesting a connection with Complainant.

Furthermore, from the inception of the UDRP, panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding; this is especially so as the Domain Name is inherently confusing or deceptive, for the reasons discussed above. Further, Respondent provided incomplete contact information when registering the Domain Name, including incomplete street and city information. Such conduct reinforces a finding of bad faith in this case.

The Panel finds that 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 Domain Name <carrefourpass-clientes.com> be transferred to Complainant.

Clive L. Elliott K.C.

Sole Panelist

Date: March 31, 2025