

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Jaimin patel
Case No. D2025-0866

1. The Parties

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

The Respondent is Jaimin patel, Netherlands (Kingdom of the).

2. The Domain Name and Registrar

The disputed domain name <carrefourromania.com> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 3, 2025. On March 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 4, 2025, 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 (Undisclosed) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 11, 2025, 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 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 the Respondent of the Complaint, and the proceedings commenced on March 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 7, 2025.

The Center appointed Christian Schalk as the sole panelist in this matter on April 10, 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 a well-known provider of so-called hypermarkets. The latter are large scale supermarkets which offer a huge variety of products, including all kind of food, household goods, technical devices, toys, books, electronic devices etc. The Complainant, founded in 1959 and starting its hypermarket concept in 1963 now operates more than twelve thousand stores in more than 30 countries including Romania. This includes the hypermarkets but also smaller supermarkets in the center of many European cities, among others under the name "Carrefour express". The Complainant has more than 384,000 employees worldwide, more than 1.3 million daily visitors and annual turnover of 80 billion Euros.

The Complainant owns among other the following trademarks:

- Several EU Trademarks featuring the term CARREFOUR, for instance, EU Trademark No. 005178371 CARREFOUR, registration date of August 30, 2007, covering goods and services in Intl. Classes 9, 35 and 38;
- International Trademark Registration No. 191353 CARREFOUR, registration date March 9, 1956, covering goods in Intl. Class 3;
- International Trademark Registration No. 351147 CARREFOUR, registration date October 2, 1968, covering goods and services in Intl. Classes 1 – 34;
- International Trademark Registration No. 353849 CARREFOUR, registration date February 28, 1969, covering services in Intl. Classes 35 – 42.

The Complainant owns also a number of domain names, including:

- <carrefour.com>, registered on October 25, 1995;
- <carrefour.eu>, registered on March 10, 2006.

The Complainant has also a strong social media presence with more than 12 million followers on Facebook France and more than one million followers on LinkedIn Global.

The Respondent registered the disputed domain name on January 28, 2025. According to the material brought before the Panel, the disputed domain name resolves to a Registrar parking page with the following message:

"You Are All Set to Go!

All you have to do now is upload your website files and start your journey. Check out how to do that below:

How can I migrate a website to Hostinger?

How to install WordPress using Auto Installer?"

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 confusingly similar to the Complainant's CARREFOUR trademarks.

The Complainant argues in this context that his well-known CARREFOUR trademark has been registered and extensively used in multiple jurisdictions, including Romania, long before the registration of the disputed domain name by the Respondent. The Complainant states further that the addition of the term "romania" reinforces the impression that the domain name is connected to the Complainant, as the Complainant operates stores and provides services under the CARREFOUR trademark in Romania. Given the fact that the disputed domain name fully incorporates the Complainant's CARREFOUR trademark, and merely appends a geographic term that is closely associated with the Complainant's business, the Complainant sees a clear likelihood of confusion among Internet users.

The Complainant believes also that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant refers to his older and international recognized CARREFOUR trademark and argues in this context that it is widely associated with the Complainant's retail operations, including Romania, where the Complainant has a strong market presence. The Complainant concludes therefore, that it is unlikely that the Respondent independently chosen the term "carrefour" without knowledge of the Complainant's trademark rights in this term.

The Complainant states further that he has not authorized, licensed or otherwise permitted the Respondent to use his CARREFOUR trademark in any manner, including as part of a domain name. The Complainant argues, in addition, that there exists no business relationship which would justify the Respondent to register the disputed domain name.

The Complainant argues further that the Respondent is not commonly known by the disputed domain name and that there is no indication that the Respondent has any rights to the disputed domain name.

The Complainant alleges also that the fact that the disputed domain name resolves to an inactive website constitutes passive holding which does not constitute a bona fide offering of goods and services under Paragraph 4(c)(i) of the Policy. UDRP panels have repeatedly held that the passive holding of a domain name incorporating a well-known trademark, particularly without any apparent legitimate business or personal purpose, would not establish rights or legitimate interests in the domain name.

The Complainant states also that the inclusion of its well-known trademark CARREFOUR in its entirety, combined with the geographical term "romania", falsely suggests that the domain name is affiliated with or endorsed by the Complainant's operations in Romania. Such deliberate incorporation of the Complainant's trademark, without any legitimate reason, further confirms that the Respondent is not using the domain name for a genuine commercial or non-commercial purpose. From all that, the Complainant concludes that the Respondent registered the domain name to mislead consumers and benefit from the goodwill of the Complainant's trademark.

The Complainant contends, furthermore, that the Respondent registered the disputed domain name in bad faith. The Complainant explains in this context that given the Complainant's worldwide operations including its operations in Romania, it is inconceivable that the Respondent registered the disputed domain name without prior knowledge of the Complainant's rights and that the Respondent's deliberate incorporation of the CARREFOUR trademark in its entirety, combined with the geographic term "romania", strongly indicates that the Respondent specifically targeted the Complainant at the time of registration. The addition of "romania" reinforces the misleading impression that the domain name is affiliated with or endorsed by the Complainant's local business operations.

The Complainant argues also that the Respondent's concealment of identity in the Whois record further supports a finding of bad faith registration and serves also as an indication of the Respondent's awareness of the Complainant's rights at the time of the registration of the disputed domain name.

The Complainant contends also that the Respondent is using the disputed domain name in bad faith. The Complainant states that use of bad faith behavior is already shown by its passive holding, the lack of legitimate use and the deliberate incorporation of the Complainant's well-known trademark to mislead consumers or disrupt the Complainant's business.

Another indication of bad faith use constitutes, according to the Complainant, that it resolves to an inactive webpage that merely displays a standard placeholder message from the Registrar. The webpage contains generic instructions in English on how to upload website files and install WordPress, but no legitimate content or indication of any bona fide use. The Complainant believes in this context that the Respondent's failure to make any active use of the domain name, combined with the Complainant's well-established presence in Romania, suggests that the Respondent registered the disputed domain name to prevent the Complainant from using its trademark in a domain name, which, according to the Complainant, is an indicator of bad faith under Paragraph 4(b)(ii) of the Policy.

The Complainant is also convinced that the reason why the Respondent's concealed his identify in the Whois record, coupled with passive holding of the disputed domain name is, to avoid enforcement actions which also as such constitutes an element of bad faith.

The Complainant therefore concludes that it is the Respondent's intention to register and hold the domain name for the purpose of selling it, misleading consumers, or otherwise exploiting the Complainant's goodwill. Even if the Respondent would have no plans to sell the domain name or use it in an active manner, the circumstances surrounding its registration and passive holding strongly indicate bad faith use.

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 Panel finds that the Complainant has established trademark rights in the CARREFOUR mark and that the entirety of the mark is reproduced within the disputed domain name.

The addition of terms to a trademark does not prevent a finding of confusing similarity where the trademark remains recognizable within the domain name (see [WIPO Overview 3.0](#), section 1.8). Therefore, the addition of geographic terms, such as “romania”, in the disputed domain name cannot prevent a finding of confusing similarity.

Accordingly, the disputed domain name is confusingly similar to the CARREFOUR marks for the purposes of the Policy (see [WIPO Overview 3.0](#), section 1.7).

Furthermore, the “.com” generic Top-Level Domain (“gTLD”) in the disputed domain name does not affect the determination that the disputed domain name is at least confusingly similar to the CARREFOUR marks in which the Complainant has rights (see also *Compagnie Générale des Etablissements Michelin v. Trendimg*, WIPO Case No. [D2010-0484](#); *Köstrizer Schwarzbierbrauerei v. Macros-Telekom Corp.*, WIPO Case No. [D2001-0936](#); and *Laboratoire Pharmafarm (SAS) v. M. Sivaramkrishan*, WIPO Case No. [D2001-0615](#), and cases cited therein).

For all these reasons, the Panel finds that the Complainant has fulfilled the first element under paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

Based on the submissions and materials filed in this case, the Panel finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, UDRP 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 (see [WIPO Overview 3.0](#), section 2.1).

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.

However, the Respondent has not provided any evidence of circumstances specified in paragraph 4(c) of the Policy or of any other circumstances giving rise to rights to or legitimate interests in the disputed domain name. Specifically, the Panel finds no evidence that the Respondent has been or is commonly known by the disputed domain name. The Respondent is neither affiliated with the Complainant nor has a license to use its trademark. The Respondent has also not rebutted the Complainant’s allegations and has not provided the Panel with any explanations as to the Respondent’s rights or legitimate interests.

In this case, noting the reputation of the Complainant’s CARREFOUR trademark, the composition of the Complainant’s CARREFOUR trademark with the geographic term “romania” suggest that any website to which the disputed domain name pretends to resolve, refers to services offered by the Complainant for potential customers in Romania where the latter has already an established presence. This creates the impression among Internet users that such a website is either one of the Complainant’s websites or of an entity somehow linked with the Complainant while this is not the case (see also *Carrefour SA v. Pedro Castro; Luis Villanueva*;

Lorenzo Lara; Samuel Naranjo; Alberto Caceres; Antonio Alvarez; Pablo Silva; Enrique Revuelta; Miguel Farias; Alejandro Villalba; Nicolas Ferreyra; Julio Rivas; Marcos Villanueva; Eugenio Cabrera, WIPO Case No. [D2024-4736](#) and more general [WIPO Overview 3.0](#), section 2.5.1).

In addition, in accordance with the material brought before the Panel, the Respondent has directed the disputed domain name to a Registrar parking page. It is well established by previous UDRP panels, that parking pages built around a third party's distinctive trademark do not constitute a bona fide offering of goods or services pursuant to paragraph 4(c)(i) of the Policy, nor do they constitute a legitimate noncommercial or fair use pursuant to paragraph 4(c)(iii) of the Policy (see *Ustream.TV, Inc. v. Vertical Axis, Inc.*, WIPO Case No. [D2008-0598](#); *mVisible Technologies, Inc v. Navigation Catalyst Systems, Inc.*, WIPO Case No. [D2007-1141](#); *Mobile Communication Service Inc v. WebReg, RN*, WIPO Case No. [D2005-1304](#); *Gerber Products Company v. LaPorte Holdings*, WIPO Case No. [D2005-1277](#); *Asian World of Martial Arts Inc. v. Texas International Property Associates*, WIPO Case No. [D2007-1415](#); *Champagne Lanson v. Development Services/MailPlanet.com*, WIPO Case No. [D2006-0006](#); and, *The Knot, Inc. v. In Knot we Trust LTD*, WIPO Case No. [D2006-0340](#)).

Hence, the Panel is convinced that the only reason for the Respondent to register the disputed domain name was, on balance, to capitalize on the Complainant's goodwill by redirecting Internet traffic intended for the Complainant away from it. Such behavior cannot constitute a bona fide or legitimate use of the disputed domain name (see also *Bright Imperial Ltd. v. Cleiton da Silva Pardim*, WIPO Case No. [D2013-1548](#)).

Therefore, the Complainant has fulfilled the second element under paragraph 4(a) of the Policy.

C. Registered and Used in Bad Faith

The Complainant contends that the Respondent registered and is using the disputed domain name in bad faith. The Policy, paragraph 4(b) sets forth four non-exclusive circumstances, which evidence bad faith registration and use of domain names:

(i) circumstances indicating that the respondent has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is owner of the trademark or service mark or to a competitor of the complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location.

According to the materials brought before the Panel, the Panel finds that the disputed domain name has been registered and is being used by the Respondent in bad faith.

The Panel finds that the Respondent must have been aware of the Complainant's trademark and its services when it registered the disputed domain name. A simple search on a search engine reveals many references to the Complainant, which would have made the Respondent immediately aware of the Complainant.

In addition, given the fact that the Respondent combined the Complainant's trademark CARREFOUR with the geographic term which relates to an area the Complainant operates, it appears more likely than not that the Respondent was aware of the Complainant's brands at the time of registration of the disputed domain name (see also *Telstra Corporation Limited v. Nuclear Marshmallows*, supra).

The Respondent's behavior constitutes also use of the disputed domain name in bad faith.

The Panel finds that the disputed domain name is used in bad faith by the Respondent. Having regard to the material brought before the Panel, the disputed domain name is currently not in use. According to section 3.3 of the [WIPO Overview 3.0](#) it is consensus view that the lack of active use of the domain name does not as such prevent a finding of bad faith and that the panel must examine all the circumstances of the case to determine whether respondent is acting in bad faith. Examples of circumstances that can indicate bad faith include the complainant's well-known trademark, no response to the complaint, concealment of identity, and the impossibility of conceiving a good faith use of the domain name (see *Telstra Corporation Limited v. Nuclear Marshmallows*, supra).

The Complainant's CARREFOUR trademark is a well-known trademark as it has been stated already by other UDRP panels (see, for instance, *Carrefour SA v. Domain Administrator, NameSilo, LLC*, WIPO Case No. [D2024-4404](#); *Carrefour SA v. Hugo Fernandez, Ricardo Contreras, Diego Maestre, Luis Hernandez, Santiago Miranda, Marcos Quintana, Manuela Ojeda, Salvador Mendoza, Santiago Navarrete, Esperanza Redondo, Enrique Barbero, Pablo Belmonte, Gerardo Casado, Pedro Cabrera, Bernardo Montes, Ernesto Villanueva, Cristian Aguilar, Eugenio Hidalgo, Javier Olivares, Rafael Lagos, Roberto Herrera, and Luis Villanueva*, WIPO Case No. [D2024-5144](#); *Carrefour v. Jean-Claude Bot / Albert Pierre*, WIPO Case No. [D2017-0969](#)).

The Respondent also failed to take part in the present proceedings. Furthermore, the Respondent has apparently also provided inaccurate contact details when it registered the disputed domain name or failed at least to correct such false contact details. The Center has used the contact details given in the WhoIs record as provided by the Registrar when it tried to contact the Respondent. However, the courier service provider could not reach the Respondent in order to deliver the Written Notice of the Complaint. Therefore, the Panel notes that the Respondent may have given incorrect contact details to frustrate or at least to delay this proceeding (see, *Telstra Corporation Limited v. Nuclear Marshmallows*, supra).

For all this, the Panel finds that the disputed domain name is being used in bad faith by the Respondent.

Accordingly, in light of the circumstances, the Panel finds that the Respondent has engaged in the bad faith registration and use of the disputed domain name and therewith the establishment also of 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 <carrefourromania.com> be transferred to the Complainant.

/Christian Schalk/

Christian Schalk

Sole Panelist

Date: April 28, 2025