

ADMINISTRATIVE PANEL DECISION

Carrefour SA, Atacadão S.A. v. Fernando Souza, Sandro Amorim, Tamires Souza, Hugo Almeida, daniel alves pereira, ARMAZEM DA ROCA HORTIFRUTI LTDA, Bianca Pimentell, WIU fernando Menezes, WU LTDA
Case No. D2025-1002

1. The Parties

The Complainants are Carrefour SA, France and Atacadão S.A., Brazil, represented by IP Twins, France.

The Respondents are Fernando Souza, Brazil, Sandro Amorim, Brazil, Tamires Souza, Brazil, Hugo Almeida, Brazil, daniel alves pereira, ARMAZEM DA ROCA HORTIFRUTI LTDA, Brazil, Bianca Pimentell, Brazil, WIU fernando Menezes, WU LTDA, Brazil.

2. The Domain Names and Registrars

The disputed domain names <atacadaobras.click>, <atacado-bras.link>, and <atacadaobras.link> are registered with Gransy, s.r.o. d/b/a subreg.cz (“Gransy”).

The disputed domain names <atacadaofertasbrasil.site>, <atacadaofertasbrasill.site>, <cartaoatacado-br.online>, <mercadoatacadaofcbr.site>, and <mercadoatacadaoficial.site> are registered with Hostinger Operations, UAB (“Hostinger”).

The disputed domain name <atacadaobr.site> is registered with Spaceship, Inc. (the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 12, 2025. On March 12, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On March 12, 13 and 14, 2025, the Registrars transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names, which differed from the named Respondents (Privacy Protect, LLC (PrivacyProtect.org), Privacy service provided by Withheld for Privacy ehf and REDACTED FOR PRIVACY) and contact information in the Complaint.

The Center sent an email communication to the Complainant on March 19, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different

underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all disputed domain names are under common control. The Complainant filed an amended Complaint on March 24, 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 Respondents of the Complaint, and the proceedings commenced on April 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 21, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on May 8, 2025.

The Center appointed Marcello Do Nascimento as the sole panelist in this matter on May 15, 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

Firstly, Carrefour S.A. is a global retail giant headquartered in France. Since its founding in 1968, Carrefour has expanded its presence to over 30 countries, becoming one of the world's leading hypermarket chains. The Complainant offers a broad range of products, including groceries, electronics, clothing, and household items. Carrefour's business model emphasizes offering a wide variety of goods at competitive prices, aiming to meet the diverse needs of its consumer base.

In addition, Atacadão S.A. is a prominent Brazilian wholesale company acquired by Carrefour in 2007. Established in 1960, Atacadão operates in the cash-and-carry sector, supplying bulk products to both businesses and individual consumers at discounted prices. Its product range includes food, beverages, cleaning supplies, and other essential goods.

Apart from a European Union Registration for ATACADAO, registered on May 24, 2015, and designating services in international class 35 (EUIPO Reg. No. 012020194), ATACADÃO S.A. holds several registrations for the trademark ATACADÃO with the Brazilian Patent and Trademark Office (INPI) and other foreign trademark offices, as verified by the Panel. The Complainant has attached the registrations listed below:

- Brazilian trademark ATACADÃO No. 006785360, registered on October 10, 1978, duly renewed and currently in force, designating goods in international class 29 (e.g., "meat, fish, poultry and game; meat extracts; preserved, frozen, dried and cooked fruits and vegetables; jellies, jams, compotes; eggs, milk and milk products; edible oils and fats").
- Brazilian trademark ATACADÃO No. 006785344, registered on October 10, 1978, duly renewed and currently in force, designating goods in international class 31 (e.g., "agricultural, horticultural and forestry products and grains not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers; foodstuffs for animals; malt").
- Brazilian trademark ATACADAO No. 006937497, registered on May 25, 1979, duly renewed and currently in force, designating services in class 35 (e.g., "wholesale and retail services; business management; business administration; office functions").
- Argentine trademark ATACADAO No. 2426312, registered on February 24, 2011, duly renewed and designating services in class 35.
- Moroccan trademark ATACADAO No. 97-148034, application filed on November 15, 2012, designating services in international class 35.

The Panel verified before the INPI that ATACADÃO also holds trademark Registrations to protect services such as “supermarket and stores”. These registrations include:

- Brazilian trademark registration No. 813041856 for “A ATACADÃO,” registered on September 13, 1988, duly renewed and in force;
- Brazilian trademark Registration No. 929117174 for “A ATACADÃO ONLINE,” registered on January 31, 2023, duly renewed and in force;
- Brazilian trademark Registration No. 840895461 for “ATACADÃO O LUGAR DE COMPRAR BARATO,” registered on October 2, 2018.

The Complainants, directly or through their subsidiaries, also own the domain names <atacadao.com.br>, registered on October 9, 1997 and <cartoatacadao.com.br>, registered on July 24, 2015.

At the time of filing the Complaint, and continuing to the present, the disputed domain names have remained inactive and do not resolve to any active website. The details about the dates of registration of the disputed domain names, the Registrars and registrants, are included in the table that follows:

Domain name	Registrant	Provider	Registration date
<atacadaobras.click>	Fernando Souza	Gransy	February 8, 2025
<atacadao-bras.link>	Fernando Souza	Gransy	February 18, 2025
<atacadaobras.link>	Sandro Amorim	Gransy	January 19, 2025
<atacadaobr.site>	Tamires Souza	Spaceship, Inc	February 19, 2025
<atacadaofertasbrasill.site>	Hugo Almeida	Hostinger	February 17, 2025
<atacadaofertasbrasil.site>	Hugo Almeida	Hostinger	February 15, 2025
<cartoatacadao-br.online>	daniel alves pereira	Hostinger	February 8, 2025
<mercadoatacadaofcbr.site>	Bianca Pimentell	Hostinger	February 10, 2025
<mercadoatacadaoficial.site>	WIU fernando Menezes	Hostinger	February 10, 2025

5. Parties' Contentions

A. Complainants

The Complainants contend that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

The Complainants argue that the disputed domain names are deceptively similar to their well-established trademarks ATACADÃO and ATACADA, as these signs are reproduced in full, merely coupled with generic descriptive or locational terms such as “br”, “bras”, “cartao”, “mercado”, and “ofertas”. In the Complainants' view, the addition of such terms does not reduce the risk of confusion; on the contrary, it contributes to creating a misleading association with the Complainants' wholesale business. The disputed domain names adopt the ATACADA trademark as their sole distinctive component.

Furthermore, the Complainants emphasize that the inclusion of hyphens (e.g., <atacado-bras.link>, <cartoatacado-br.online>) and minor phonetic or orthographic variations (such as in <atacadaofertasbrasil.site> and <mercadoatacadaoficial.site>) are immaterial in the assessment of similarity, as they do not affect the ability to recognize the Complainants' mark. Moreover, it is established case law that the addition of generic terms — whether descriptive, geographical, meaningless or otherwise — such as “br”, “bras”, “cartao” and “mercado”, by way of example, to a trademark in a domain name does nothing to diminish the likelihood of confusion arising from that domain name, mentioning prior decisions in this regard, such as *Carrefour SA and Atacadão S.A. v. Jaay Shop, privada*, WIPO Case No. [D2023-5152](#); *Carrefour SA and Atacadão S.A. v. Ribeiro Mmsp, Claudemiro Ramos, Marcela Caroline da Silva Cardias Costa*, WIPO Case No. [D2024-0261](#); *Carrefour SA and Atacadão S.A. v. Gustavo Kauan, Legacy N Digitais*, WIPO Case No. [D2024-2535](#); and *Carrefour SA and Atacadão S.A. v. atacado varejo*, WIPO Case No. [D2023-3011](#).

The Complainants further maintain that the Respondents lack any rights or legitimate interests in the disputed domain names. They do not own any trademark registrations, are not commonly identified by the disputed domain names, and have received no permission from the Complainants to use their trademarks. Moreover, the Respondents have not engaged in any genuine commercial activity under the disputed domain names nor made any fair or non-commercial use of them. All the disputed domain names lead to inactive websites or error, further evidencing the absence of any legitimate or good faith use.

The Complainants contend that the Respondents have no rights or legitimate interests in respect of the disputed domain names. They argue as first topic that the Respondents are not commonly known by the disputed domain names. Secondly, the disputed domain names incorporate the Complainants' well-established trademarks without authorization or license, which is a strong indication of a lack of legitimate interest. The Complainants affirm that no consent was ever granted for the use of their ATACADÃO or ATACADAO marks, nor any variation thereof, in any domain name registration.

As a third topic, the Complainants highlight that the Respondents have not used, nor made demonstrable preparations to use, the disputed domain names for any bona fide offering of goods or services. All disputed domain names either lead to inactive pages or generate error messages, which further supports the argument that no legitimate use has been established. The Complainant argues that prior UDRP panels have consistently held that passive holding does not constitute a legitimate non-commercial or fair use (see e.g., *Carrefour SA and Atacadão S.A. v. Jaay Shop, privada*, WIPO Case No. [D2023-5152](#); *Carrefour SA and Atacadão S.A. v. ruslan cafeta, et al.*, WIPO Case No. [D2024-5060](#)).

Fourthly, the Complainants' trademark rights were established long before the registration of the disputed domain names, and those rights have been extensively used and recognized. Given this prior use and reputation, the burden of proof shifts to the Respondents to demonstrate any rights or legitimate interests in the disputed domain names — a burden they have failed to meet. The Complainants assert that none of the scenarios described under Paragraph 4(c) of the Policy that could evidence legitimate interest are present in this case.

The Complainants also contend that the disputed domain names were registered and are being used in bad faith. The naming patterns adopted, the focus on the Brazilian market, and the deliberate incorporation of the ATACADAO or ATACADÃO marks all suggest that the Respondents registered the disputed domain names with full knowledge of the Complainants and their brands. The Complainants note that all their trademark registrations significantly predate the registration dates of the disputed domain names, and that a simple search would have revealed their well-known rights. The passive holding of the disputed domain names further supports a finding of bad faith, as it carries a high risk of misleading Internet users and creates an implied, but false, affiliation or endorsement by the Complainants WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#), section 3.3”). In light of the foregoing, the Complainants submit that all three elements under Paragraph 4(a) of the Policy are fulfilled and respectfully request the transfer of the disputed domain names.

B. Respondent

None of the Respondents formally replied to the Complainants' contentions.

6. Discussion and Findings

6.1 Preliminary Issues

A. Consolidation: Multiple Complainants

Pursuant to paragraph 10(e) of the Rules, it is within the Panel's authority to rule on a Party's request for the consolidation of multiple domain name disputes, provided such request aligns with the Policy and the Rules. As outlined in section 4.11.1 of [WIPO Overview 3.0](#), a complaint involving multiple complainants may be accepted where two criteria are met: (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion; and (ii) it would be equitable and procedurally efficient to permit the consolidation.

In the present case, the Panel finds it appropriate to accept the joint filing by the Complainants, who assert aligned interests. The Respondents' conduct appears to have targeted both entities in a comparable manner, supporting the notion of a shared offense. Considering the factual overlap and the interest of procedural economy, the Panel determines that addressing the claims collectively serves the principles of fairness and efficiency, in accordance with section 4.11.1 of the [WIPO Overview 3.0](#). Accordingly, for ease of reference, the Complainants shall hereafter be referred to as "the Complainant," except where distinctions are necessary.

B. Consolidation: Multiple Respondents

The Panel is satisfied that the disputed domain names are subject to common control and that, in the circumstances of this case, consolidation is equitable to all Parties and procedurally efficient. This decision aligns with the standards established in section 4.11.2 of the [WIPO Overview 3.0](#).

The Panel has carefully reviewed the case record, including the Complainant's submissions and the procedural history, and proceeds to assess the circumstances surrounding the disputed domain names. The sequence and timing of the registrations strongly indicate a coordinated pattern of conduct. The disputed domain names were registered during an interval of approximately one month, from January 19 to February 19, 2025, which undermines any suggestion of isolated or unrelated actions. This concentration of registrations supports the conclusion that the Respondents acted pursuant to a unified plan or strategy, rather than through coincidental or independent behavior.

Despite being registered under different names and through various Registrars (Gransy, Hostinger, and Spaceship, Inc), the disputed domain names share significant structural and thematic similarities. All incorporate the Complainant's well-known ATACADÃO or ATACADAO trademarks, often combined with descriptive or geographic terms such as "br", "bras", "cartao", "mercado", and the misspelled term "ofertas" (without the "o"). These combinations are not random but rather appear designed to mislead users by evoking a false sense of association with the Complainant's wholesale operations in Brazil.

The Complainant has provided a detailed analysis grouping the disputed domain names into five sets based on shared characteristics such as registrant names, geographic locations, registrar information, and the thematic and structural composition of the domain names. For instance, the disputed domain names such as <atacadaobras.click>, <atacadao-bras.link>, and <atacadaobras.link> are all registered via Gransy and associated with individuals located in Aparecida de Goiânia, Goiás. Another cluster includes <atacadaofertasbrasil.site> and <atacadaofertasbrasill.site>, both registered to Hugo Almeida from Espírito Santo. Additional groupings show consistent registrars (e.g., Hostinger and Spaceship, Inc), use of similar email domain names or incomplete WhoIs masking patterns, and disputed domain names that rely on

variations of the ATACADÃO and ATACADAO marks coupled with descriptive terms. These recurring technical and factual patterns support the conclusion that the disputed domain names are being controlled in a coordinated fashion, likely under the direction of a common entity or group of individuals acting jointly.

None of the named Respondents have come forward to contest the proceeding or to provide any evidence refuting the Complainant's allegation of interconnected control. The absence of any objection further supports the procedural rationale for consolidation.

With respect to fairness and equity, the Panel finds no indication that consolidating the disputes concerning the disputed domain names would place either Party at a disadvantage or be otherwise unjust.

Accordingly, the Panel concludes that there is sufficient evidence to consolidate the complaints against the various nominally distinct Respondents into a single proceeding. For the purposes of this Decision, the named Respondents shall be collectively referred to as "the Respondent", unless otherwise required for clarity.

Furthermore, the UDRP consists of three main elements:

- a) Identical or Confusingly Similar: The complainant must prove that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.
- b) No Rights or Legitimate Interests: The complainant must demonstrate that the respondent has no rights or legitimate interests in respect of the domain name.
- c) Registered and Used in Bad Faith: The complainant must show that the domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

It is well established that the first element under paragraph 4(a)(i) of the Policy serves to determine whether the Complainants have standing to bring the case. This element involves a straightforward comparison between the Complainants' trademark and the disputed domain names, focusing on whether the mark is recognizable within the disputed domain names. The Complainants have demonstrated prior rights in the ATACADÃO and ATACADAO trademarks through multiple national and international registrations, including Brazilian trademarks No. 006785344 and No. 006937497, and European Union Registration No. 012020194.

The disputed domain names are confusingly similar to their well-known trademarks because the disputed domain names reproduce the trademarks in their entirety. The addition of descriptive, or geographical terms such as "br", "bras", "cartao", "mercado", and the misspelled term "ofertas" does not prevent a finding of confusing similarity.

The presence of hyphens (e.g., <atacado-bras.link>) or minor spelling variations (e.g., <mercadoatacadaoficial.site>) does not avoid a finding of confusing similarity. According to [WIPO Overview 3.0](#), section 1.7, a domain name is considered confusingly similar to a trademark when it incorporates the mark in its entirety or when a dominant portion of the mark is clearly recognizable. Moreover, section 1.8 explains that the inclusion of additional terms—whether dictionary, or geographic—does not prevent a finding of confusing similarity under the Policy.

Previous UDRP panels have supported this interpretation. In *L'Oréal v. Tracey Johnson*, WIPO Case No. [D2008-1721](#), and *Lilly ICOS LLC v. Dan Eccles*, WIPO Case No. [D2004-0750](#).

Based on the evidence and consistent case law, the Panel concludes that the Complainants have established the first element of the Policy.

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.

The Complainants have provided sufficient evidence to support the conclusion that the Respondents have no rights or legitimate interests in the disputed domain names. None of the Respondents are affiliated with, authorized by, or licensed by the Complainants to use the ATACADÃO or ATACADAO trademarks, nor is there any indication that they are commonly known by the disputed domain names or that they possess relevant trademark rights of their own.

As established in UDRP case law and reiterated in [WIPO Overview 3.0](#), section 2.1, while the burden of proof rests on the Complainants, once a prima facie case is made showing the Respondents' lack of rights or legitimate interests, the evidentiary burden shifts to the Respondents. In this case, none of the Respondents have submitted a Response or provided any explanation or documentation to justify their registration or use of the disputed domain names. This silence further supports the Complainants' allegations.

At this respect, the Respondents have opted not to reply to the Complaint or present any counterargument that would support the existence of rights or legitimate interests. Additionally, although none of the disputed domain names appear to have been actively used, many of them incorporate not only the well-known and registered ATACADÃO/ATACADAO trademarks, but also descriptive and suggestive terms (or misspelled versions) such as "mercado", "oficial", "cartao", and "ofertas" — words that directly relate to the Complainants' commercial activity and imply an official or affiliated source. This composition gives the impression of an intentional attempt to exploit the Complainants' trademark reputation and deceive users into believing that the disputed domain names are linked to the Complainants' legitimate wholesale operations.

The passive holding of these disputed domain names, when viewed together with their composition and the absence of any rebuttal, cannot be considered a bona fide use nor a legitimate noncommercial or fair use under the Policy. Accordingly, the Panel finds that the Complainants have established the second element of the Policy.

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 finds compelling evidence that the disputed domain names were registered and used in bad faith. The Respondents have registered multiple disputed domain names that incorporate the well-known ATACADAO and ATACADÃO trademarks in their entirety, including terms (or misspelled versions) such as "cartao", "mercado", "ofertas", "brasil", and other descriptors like "oficial" that amplify a false sense of legitimacy. These additions not only reference the retail and wholesale market segment in which the Complainants operate but also suggest endorsement or affiliation with the Complainants' official services or digital presence.

The sheer number of disputed domain names involved demonstrates a deliberate and coordinated effort to confuse consumers and trade off the Complainants' reputation. The naming patterns, which consistently pair the ATACADAO mark with descriptive commercial terms and relation to Brazilian territory, reveal an intention to mislead and attract users seeking the Complainants' services. Moreover, several of the disputed domain names remain inactive, and none of the Respondents submitted a response or evidence of good-faith use, reinforcing the presumption of bad faith under the doctrine of passive holding.

As confirmed in *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), and reiterated in [WIPO Overview 3.0](#), section 3.3, passive holding may constitute bad faith where: (i) the complainant's mark is distinctive or well-known; (ii) the respondent fails to present evidence of legitimate use; (iii) the respondent conceals identity or uses false details; and (iv) there is no plausible legitimate purpose for the domain name. All these elements are present here. The ATACADAO trademarks are long-established and widely recognized in Brazil; the Respondents made no attempt to defend their actions or provide legitimate explanations; and the structure and content of the disputed domain names eliminate any good faith rationale.

Further supporting this conclusion, the Respondents' use of terms like "oficial" and "mercado" in conjunction with the trademark suggest an intent to simulate an authorized digital storefront, thereby raising the likelihood of consumer confusion.

Considering the totality of these circumstances, including the number of disputed domain names, their structure, the absence of response, and the use of terms that falsely imply affiliation, the Panel concludes that the disputed domain names were registered and are being used in bad faith. Therefore, the Complainants have satisfied the third element under paragraph 4(a)(iii) 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 names <atacadaobras.click>, <atacado-bras.link>, <atacadaobras.link>, <atacadaobr.site>, <atacadaofertasbrasill.site>, <atacadaofertasbrasil.site>, <cartaoatacado-br.online>, <mercadoatacadaofcbr.site>, and <mercadoatacadaoficial.site> be transferred to the Complainant

/Marcello Do Nascimento/

Marcello Do Nascimento

Sole Panelist

Date: May 29, 2025