

ADMINISTRATIVE PANEL DECISION

Carrefour SA, Atacadão S.A. v. Thiago Nunes

Case No. D2025-1303

1. The Parties

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

The Respondent is Thiago Nunes, Brazil.

2. The Domain Name and Registrar

The disputed domain name <cartaoatacadao.store> 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 31, 2025. On April 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 2, 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 (Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 2, 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 April 2, 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 April 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 28, 2025.

The Center appointed Erica Aoki as the sole panelist in this matter on May 1, 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 Carrefour SA, a French multinational and a global leader in retail, operating more than 14,000 stores in over 40 countries. The Complainant, Atacadão S.A., is a leading Brazilian wholesale and retail chain, established in 1960 and acquired by Carrefour in 2007. Atacadão S.A. operates over 300 stores throughout Brazil and employs more than 70,000 people.

Since Atacadão S.A. is part of the Carrefour Group, both companies have opted to join in the present Complaint. Both companies are hereinafter referred to as "the Complainant".

The Complainant holds numerous trademark registrations for ATACADAO/ATACADÃO and CARTÃO ATACADÃO, including:

- Brazil trademark CARTÃO ATACADÃO No. 840880359, registered July 24, 2018;
- Brazil trademark ATACADÃO No. 006785360, registered October 10, 1978; and
- European Union trademark ATACADAO No. 012020194, registered May 24, 2015.

The Complainant, directly or through its subsidiaries, owns domain names incorporating the marks ATACADAO/ATACADÃO or CARTÃO ATACADÃO, such as <atacadao.com.br> and <cartaoatacadao.com.br>.

The disputed domain name <cartaoatacadao.store> was registered on March 17, 2025, and resolves to a website displaying a web page design template titled "Love Nature".

5. Parties' Contentions

A. Complainants

The Complainant contends that it has satisfied each of the elements required under the Policy for the transfer of the disputed domain name.

The Complainant is the owner of several ATACADAO and ATACADÃO trademarks, registered well before the registration of the disputed domain name. The Complainant owns trademark rights also in CARTÃO ATACADÃO. In addition, the Complainant - directly or through its subsidiaries - is also the owner of numerous domain names identical to, or comprising, its trademarks, both within generic and country code Top-Level Domains. For instance, <atacadao.com.br> has been registered since 1997 and <cartaoatacadao.com.br> has been registered since 2015.

The Complainant contends that the disputed domain name reproduces the Complainant's trademarks. Therefore, the earlier trademarks of the Complainant are immediately recognizable in the disputed domain name. As such, the Complainant contends that the disputed domain name is identical or confusingly similar to its well-known trademark since it contains the trademark ATACADAO in its entirety together with the generic term "cartao", the Portuguese word for "card" in English.

The disputed domain name is also identical to the Complainant's CARTÃO ATACADÃO trademarks, which are entirely reproduced with the use of the letters "a" instead of "ã" (without the tilde accent). This minor difference does nothing to diminish the risk of confusion.

The addition of the Top-Level Domain “.store” is not significant in determining whether the disputed domain name is identical or confusingly similar to the trademarks of the Complainant.

The Respondent should be considered as having no rights or legitimate interests in respect of the disputed domain name, and the Respondent has registered and is using the disputed domain name in bad faith.

B. Respondent

The Respondent did not reply to the Complainants’ contentions.

6. Discussion and Findings

The Complainant is required to establish the requirements specified under paragraph 4(a) of the Policy: (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in respect of which the Complainant has rights; (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) that 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 test involves a reasoned but straightforward comparison between the Complainants’ trademarks and the disputed domain name. See [WIPO Overview 3.0](#), section 1.7.

The Complainants have established rights in the ATACADAO/ATACADÃO and CARTÃO ATACADÃO marks. Based on the facts in the present proceeding, this Panel finds that the disputed domain name reproduces the Complainants ATACADAO/ATACADÃO and CARTÃO ATACADÃO trademarks in their entirety or almost in their entirety.

The Top-Level Domain “.store” is generally disregarded in the assessment of confusing similarity under the first element test. [WIPO Overview 3.0](#), sections 1.11.

The Panel finds that the Complainant has established the first element of paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy sets out circumstances under which a respondent may demonstrate rights or legitimate interests. While the burden of proof rests with the Complainant, panels recognize the difficulty of proving a negative. Once a complainant makes a *prima facie* case, the burden shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. 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.

There is no evidence on record showing that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant’s trademark. Paragraph 4(c) of the Policy indicates that a respondent may have a right or legitimate interest in a domain name if it uses the domain name in connection with a *bona fide* offering of goods or services prior to notice of the dispute. There is no evidence on record showing that the disputed domain name has been used for a *bona fide* offering of goods or services.

There is no evidence on record showing that the Respondent is or was commonly known by the disputed domain name as an individual, business, or other organization. See section 2.3 of the [WIPO Overview 3.0](#).

In this case, the Complainants have made a *prima facie* showing that the Respondent lacks rights or legitimate interests. The Respondent failed to rebut these allegations or submit any evidence. Further, the composition of the disputed domain name – incorporating the Complainant's trademark CARTÃO ATACADÃO in its entirety (save for the accents) carries a high risk of confusion as Internet users may believe that the disputed domain name is owned by the Complainant or connected to the Complainant.

Thus, the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Panel therefore finds that the Complainant has established an unrebutted *prima facie* case, i.e., that the Respondent has no rights or legitimate interests in the disputed domain names, under Policy paragraph 4(a)(ii). The Panel therefore finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith.

Paragraph 4(b) of the Policy provides non-exhaustive circumstances evidencing bad faith. In this case:

- The Complainant's marks are well known and predate the registration of the disputed domain name.
- At the time of filing of the Complaint, the disputed domain name resolved to a website displaying a web page design template titled "Love Nature".
- The Respondent failed to file a Response or demonstrate any legitimate use.

The Complainant's trademarks were registered long before the registration of the disputed domain name. Given the reputation of the Complainant's trademarks and the composition of the disputed domain name which incorporates the Complainant's trademarks in their entirety (save for the accents), the Respondent very likely registered the disputed domain name having the Complainant's trademarks in mind.

Therefore, the Panel finds that it is most likely that the Respondent was aware of the Complainant at the time the disputed domain name was registered, indicating that such registration was made in bad faith.

As to the use of the disputed domain name, the Panel notes, as highlighted above, that the website displays a web page design template. The Panel finds that such use of the disputed domain name by the Respondent does not prevent a finding of bad faith registration and use, particularly considering the reputation of the Complainant's trademarks and the composition of the disputed domain name clearly targeting the Complainant.

Accordingly, the Panel finds that the Respondent has registered and used the disputed domain name in bad faith under the Policy, paragraph 4(a)(iii).

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 <cartaoatacadao.store> be transferred to the Complainant.

/Erica Aoki/
Erica Aoki
Sole Panelist
Date: May 15, 2025