

## **ADMINISTRATIVE PANEL DECISION**

**Carrefour SA and Atacadão - Distribuição, Comércio E Indústria LTDA v.  
EDLEUZA PORTO DAS NEVES**

**Case No. D2025-1794**

### **1. The Parties**

The Complainants are Carrefour SA, France, and Atacadão - Distribuição, Comércio E Indústria LTDA, Brazil (hereinafter jointly “the Complainant”), represented by IP Twins, France.

The Respondent is EDLEUZA PORTO DAS NEVES, Brazil.

### **2. The Domain Name and Registrar**

The disputed domain name <segurosacatacaado.site> 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 May 5, 2025. On May 5, 2025, the Center sent an email to the Registrar requesting information in connection with the disputed domain name. On May 6, 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 / Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. On May 6, 2025, the Center sent an email communication to the Complainant, 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 May 14, 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 May 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 6, 2025.

The Center appointed Simone Lahorgue Nunes as the sole panelist in this matter on June 20, 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**

Carrefour SA is a worldwide leader in retail and operates more than 12,000 stores in more than 30 countries. Atacadão - Distribuição, Comércio E Indústria LTDA is a Brazilian chain of wholesale and retail stores established in 1960 and acquired by Carrefour group in 2007.

The Complainant has provided evidence of being the right holder of the trademark ATACADAO and ATACADÃO in several jurisdictions, hereinafter referred both together as ATACADAO. For instance: European Union Trademark Registration No. 012020194, registered on May 24, 2015; Brazilian Trademark Registrations No. 006785344 and No. 006937497, registered on October 10, 1978, and May 25, 11979; French Trademark Registration No. 4981135, registered on November 10, 2023; and African Intellectual Property Organization Trademark Registration No. OA/3/2012/002570, registered on February 28, 2013.

The disputed domain name was registered on April 17, 2025, by the Respondent.

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

The website of the disputed domain name displays a notice that it "doesn't support a secure connection".

#### **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.

First of all, with respect to the language of the proceedings, the Complainant submits that, although the publicly available Whois information for the disputed domain name does not specify the language of the Registration Agreement, the standard agreement available on the Registrar's website includes a provision stating that the English version is the only "current and valid version of this agreement," while any translations are provided solely for customer convenience. This clause, according to the Complainant, gives rise to a strong presumption that the Registration Agreement is in English and, accordingly, the proceedings should be conducted in English. Alternatively, should the Agreement be in another language, the Complainant requests that the Panel exercise its discretion to proceed in English, noting that the disputed domain name is inactive, contains no content that would reflect the Respondent's language preferences, and that requiring translation would result in unnecessary and disproportionate cost.

The Complainant claims that the disputed domain name is confusingly similar to the Complainant's trademark ATACADAO. The Complainant is the owner of multiple trademark registrations for ATACADAO in various jurisdictions, including Brazil, with rights dating back to October 10, 1978. The Complainant contends that the disputed domain name reproduces the Complainant's trademark, which panels in earlier UDRP cases have considered to be well known (see e.g., *Carrefour SA, Atacadão S.A. v. Bento Ferreira, Amelio Herl*, WIPO Case No. [D2024-3706](#); *Carrefour S.A and Atacadão S.A v. atacado varejo*, WIPO Case No. [D2023-3011](#); *Atacadão – Distribuição, Comércio e Indústria LTDA. v. seong-chea park*, WIPO Case No. [D2022-4615](#)).

The Complainant contends that the disputed domain name <segurosacatacaado.site> reproduces the trademark ATACADAO in its entirety. The addition of the terms “seguros” and “ac” does not prevent a finding of confusing similarity.

The Complainant contends that these additions “are often viewed as non-distinctive, especially when they refer to services that could plausibly be offered by the trademark owner or its affiliates”. The Complainant notes that the use of the term “seguros” “may be understood by users as referring to an insurance product or service offered by the Complainant, especially in Brazil or other Portuguese-speaking markets where the Complainant operates”.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that the disputed domain name was registered and is being used by him in bad faith. According to the Complainant, it “has not granted the Respondent any permission or authorization, whether express or implied, to use its ATACADAO or ATACADÃO trademarks in any manner, including as part of a domain name”. In addition, the Complainant contends that “the Respondent is not commonly known by the name ‘ATACADAO’ or ‘ATACADÃO’, nor by the disputed domain name <segurosacatacaado.site>”.

Moreover, the Complainant claims that the disputed domain name is not being actively used and resolves to an error page, indicating that the Respondent is not using it, nor has made demonstrable preparations to use it, in connection with a bona fide offering of goods or services. According to the Complainant, the use of this disputed domain name “constitutes an attempt to trade on the Complainant’s goodwill and reputation to attract Internet users to the Respondent’s website for commercial gain or fraudulent purposes”. The Complainant further submits that “[t]he Respondent is also not making any legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain”.

The Complainant asserts that, at the time of registration of the disputed domain name, the Respondent could not plausibly have been unaware of the Complainant’s well-known rights in the ATACADAO and ATACADÃO marks, particularly given the Complainant’s extensive operations in Brazil and other Portuguese-speaking countries.

Finally, according to the Complainant, the “Respondent’s decision to register such a domain name and then take no steps to use it actively, while concealing their identity, strongly suggests an intention to prevent the Complainant from registering the name, or to reserve it for future use in a manner likely to mislead consumers or disrupt the Complainant’s business”.

Therefore, the Complainant requests the transfer of the disputed domain name to the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

The analysis of the Complainant’s arguments and of the presented evidence leads to the conclusion that the Complaint should be upheld, based on the following grounds:

### **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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms “seguros” and “ac” may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

In light of these factors, the Panelist finds the first element of the Policy has been met.

## **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.

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.

Additionally, the composition of the disputed domain name falsely suggests affiliation with the Complainant and may confuse Internet users by leading them to think that the disputed domain name belongs to the Complainant or to one of the Complainant’s group of companies. The Respondent did not provide any explanation whatsoever for the registration of the disputed domain name, and likewise, no evidence has been adduced that the Respondent has been commonly known by the disputed domain name or by the name “Seguros Atacadao”.

In light of these factors, the second element of the Policy has been met.

## **C. Registered and Used in Bad Faith**

The Panel notes that, for the purpose of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the same Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and is being used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes the Respondent’s bad faith registration and use of the disputed domain name since there is a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent’s choice of the domain name. [WIPO Overview 3.0](#), section 3.2.1.

Panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant’s trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case of passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

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 <segurosacatacaado.site> be transferred to the Complainant.

*/Simone Lahorgue Nunes/*

**Simone Lahorgue Nunes**

Sole Panelist

Date: July 2, 2025