

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Xioebe Xioebe, Babishteryantch Willene
Case No. D2025-2637

1. The Parties

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

The Respondents are Xioebe Xioebe and Babishteryantch Willene, United States of America (“United States”).

2. The Domain Names and Registrars

The disputed domain names <carrefouroff.pro> and <offcarrefour.pro> (the “Domain Names”) are registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 4, 2025. On July 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On July 7, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names 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 July 7, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints 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 domain names are under common control. The Complainant filed an amended Complaint on July 8, 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 July 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 3, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondent's default on August 4, 2025.

The Center appointed Wolter Wefers Bettink as the sole panelist in this matter on August 11, 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 worldwide leader in the retail business with a turnover of EUR 76 billion in 2018, operating more than 12,000 stores in more than 30 countries worldwide, with more than 384,000 employees worldwide and 1,3 million daily unique visitors in its stores. The Complainant additionally offers travel, banking, insurance, or ticketing services.

The Complainant owns a number trade mark rights worldwide, including (hereafter the "Trade Marks"):

- European Union trade mark CARREFOUR No. 008779498, registered on July 13, 2010;
- International trade mark CARREFOUR No. 563304, registered on November 6, 1990;
- French trade mark CARREFOUR No. 1565338, registered on December 8, 1989;
- United States trade mark CARREFOUR No. 6763415, registered on June 21, 2022.

The Domain Names have been registered on June 16, 2025.

The Domain Name <offcarrefour.pro> (first Domain Name) resolves to a website presenting a webshop, using the Trade Marks, which inter alia carries the following text:

"Welcome to Carrefour UAE

Carrefour UAE offers you a wide range of products that suit your needs in all Carrefour supermarket chains in UAE cities, from Dubai to Abu Dhabi, Sharjah, and more. Skip traffic hours to the supermarket with online shopping on the Carrefour Hypermarket website. Explore all products and enjoy exclusive discounts and online offers.

Shop Your Favorite Groceries Online

We have all been there in the grocery store full of people waiting in line to pay at the cashier or trying to do our grocery shopping as fast as possible; however, with Carrefour online shopping UAE, there is no need to wait to buy your groceries and all your other needs."

The Domain Name <carrefouroff.pro> (second Domain Name) leads to an error page.

5. Parties' Contentions

A. Complainant

The registrants of the Domain Names are, as disclosed by the Registrar, "xioebe xioebe" and "babishterylantch Willene" respectively. The Complainant requests consolidation of the disputes for the Domain Names, pursuant to the Rules, Paragraph 4(f) and refers to the Respondents in the Amended Complaint as "the Respondent". This term will also be used throughout this decision to refer to the registrants together.

To support this claim, the Complainant puts forth that the Domain Names were registered on June 16, 2025, less than 30 minutes apart, and with the same Registrar, HOSTINGER operations, UAB. Furthermore, the Complainant submits that the Domain Names follow the same pattern of "CARREFOUR" with the term "off". Moreover, the Domain Names share the same Registrant Organization information: "Not Applicable", and the same phone and fax information. Also, according to information disclosed by the Registrar they are located in the same State of the same country. In addition, Domain Names share the same nameservers (ns1.dns-parking.com & ns2.dns-parking.com).

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

In particular, the Complainant contends the following.

The Domain Names include the earlier Complainant's Trade Marks and differ only by the addition of the word "off". Adding descriptive, generic or geographic terms to a trademark in a domain name is not sufficient to avoid misleading Internet users and to avoid creating a likelihood and confusion with the Trade Marks, which clearly stand out in the Domain Names. The generic Top-Level Domain ("gTLD") ".pro" should not be taken into consideration when evaluating the risk of confusing similarity. Therefore, the Domain Names are confusingly similar to the Trade Marks.

The Respondent should be considered as having no rights or legitimate interests in respect of the Domain Names, since:

- the Respondent has never been authorized by the Complainant to use the Trade Marks in any manner;
- the Complainant never gave consent for the registration of the Domain Names;
- the Respondent is not a partner, distributor or licensee of the Complainant, and there is no contractual or commercial relationship between them.

In addition, the Complainant performed searches on the Internet and found no CARREFOUR trade mark owned by the Respondent, while it has found no evidence that the Respondent is known by the Domain Names.

Furthermore, the Respondent has not, before the filing of the Complaint, used or made preparations to use the Domain Names in relation to a bona fide offering of goods or services. The first Domain Name resolves to a fake CARREFOUR shop, reproducing the global branding of the trademark CARREFOUR, especially through the use of the colors white, blue and red, which may be used in a fraud scheme in order to mislead Internet users. The second Domain Name resolves to an error page. This type of content, or lack of content, indicating the absence of good faith offering of goods or services (bona fide offering), does not evidence any legitimate interest of the Respondent in the use of the Domain Names.

In light of the above, the Complainant has demonstrated prima facie that the Respondent has no legitimate interests nor rights in the Domain Names, so that the burden of the production switches to the Respondent, which will have to demonstrate and evidence its rights or legitimate interests in the Domain Names.

The Complainant contends that the Domain Names have been registered and are being used in bad faith, for the following reasons.

It is very likely that the Respondent knew the Trade Marks at the time of registration of the Domain Names, since:

- the Trade Marks are intensively used in numerous countries worldwide and enjoy a solid reputation in many countries;
- the first CARREFOUR Trade Mark has been registered in 1968, while the Domain Names have been registered in 2025;

- the Respondent has reproduced the global branding of the Trade Marks on the website hosted at the first Domain Name.

In addition, a simple search using an online search engine shows search results relating only to the Complainant and its Trade Marks.

This proves the knowledge of the Respondent of the Trade Marks at the time of registration of the Domain Names, so that these were registered in bad faith.

Furthermore, the Respondent is using the Domain Names in bad faith for the following reasons:

- the first Domain Name has been used to host a fake shop that is misleading Internet user into believing that this is operated by or with the consent of the Complainant;
- the second Domain Name has been inactive, suggesting that the Respondent intends to profit from or harm the Trade Marks, e.g. in order to disturb the Complainant's activities or to resell the second Domain Name;
- by reproducing the Trade Marks in the Domain Names, the Respondent strengthens the incorrect impression that it is affiliated with the Complainant, making Internet users wrongly believe that they are visiting an official website of the Complainant, or affiliated to the Complainant;
- in view of the reputation of the Trade Marks it is hard to imagine any good faith use of the Domain Names in the future.

As a consequence, in the light of the above, the Complainant concludes that the Respondent registered and is using the Domain Names in bad faith.

B. Respondent

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

6. Discussion and Findings

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different Domain Name registrants. The Complainant alleges that the Domain Name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the Domain Name registrants pursuant to paragraph 10(e) of the Rules. The registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. In addressing the Complainant's request, the Panel will consider whether (i) the Domain Names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

As regards common control, the Panel notes that:

- the Domain Names were registered on June 16, 2025, less than 30 minutes apart, with the same Registrar (HOSTINGER operations, UAB);
- the Domain Names follow the same pattern, as they consist of the Complainant's Trade Marks with the term "off";
- the Domain Names share the same telephone and fax information;
- the registrants are located in the same country and state;

- the Domain Names share the same nameservers (ns1.dns-parking.com & ns2.dns-parking.com).

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different Domain Name registrants in a single proceeding.

A. Identical or Confusingly Similar

The Complainant has shown that it has registered rights in the Trade Marks. The Domain Names are confusingly similar to the Trade Marks as they incorporate the CARREFOUR Trade Mark in its entirety. The addition of the term “off” in the Domain Names does not avoid a finding of confusing similarity between the Domain Names and the Trade Marks (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8; see also, inter alia, *TPI Holdings, Inc. v. Carmen Armengol*, WIPO Case No. [D2009-0361](#), and *F. Hoffmann-La Roche AG v. John Mercier*, WIPO Case No. [D2018-0980](#)). The gTLD “.pro” is typically disregarded under the confusing similarity test, since it is a technical registration requirement ([WIPO Overview 3.0](#), section 1.11.1).

Therefore, the Panel finds that the Domain Names are confusingly similar to the Trade Marks in which the Complainant has rights.

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.

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 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. [WIPO Overview 3.0](#), section 2.1.

Based on the evidence and the undisputed submissions of the Complainant, the Panel concludes that the Respondent has not received the Complainant’s authorization or consent to use the Trade Marks as part of the Domain Names, is not commonly known by the Domain Name, and has not acquired trade mark rights in the Domain Names. In addition, the Respondent’s use of the Domain Names does not constitute a bona fide offering of goods or services. The first Domain Name resolves to a website which, using the Trade Marks, creates the false impression of a relationship with or authorization of its services by the Complainant, while it does not contain a disclaimer or clarification with respect to the non-existence of such affiliation. With respect to the second Domain Name, the fact that it has so far been inactive, without an explanation from the Respondent, may suggest that the Respondent intends to profit from or harm the Trade Marks.

In view of the above, the Panel concludes that the Complainant has established that the Respondent has no rights or legitimate interests in the Domain Name.

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. This list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, leaves open that other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. See [WIPO Overview 3.0](#), section 3.2.1.

Based on the undisputed information and the evidence provided by the Complainant, the Panel finds that at the time of registration of the Domain Names the Respondent was or should have been aware of the Complainant's Trade Marks, since:

- the Respondent's registration of the Domain Names occurred some fifty-seven years after the registration of the earliest of the Trade Marks;
- the Trade Marks have a worldwide reputation, as evidenced, inter alia, by the more than 12,000 CARREFOUR stores in more than 30 countries and the 1.3 million daily unique visitors in the stores;
- a simple trade mark register search, or even an Internet search, prior to registration of the Domain Names would have informed the Respondent of the existence of the Trade Marks.

Since the Respondent has no authorization from or other affiliation with the Complainant, and was or should have been aware of the Complainant's rights at the time of registration, the Domain Names were registered in bad faith.

With regard to bad faith use, the Panel finds that the use of the Trade Marks on the website, to which the first Domain Name resolves, implies that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Trade Marks as to the source, sponsorship, affiliation, or endorsement of its website and the services offered on that website.

With respect to the second Domain Name, the fact that the Domain Name does not appear to resolve to an active website does not imply a lack of bad faith. As set out in [WIPO Overview 3.0](#), section 3.3, the consensus view is that the apparent lack of so-called active use (e.g., to resolve to a website) of a domain name without any active attempt to sell or to contact the trademark holder (passive holding), does not as such prevent a finding of bad faith (see *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) and *HUGO BOSS Trade Mark Management GmbH & Co. KG, HUGO BOSS AG v. Dzianis Zakharenka*, WIPO Case No. [D2015-0640](#)). In accordance with the UDRP, a panel must examine all the circumstances of the case to determine whether a respondent is acting in bad faith.

With respect to both Domain Names, the Panel finds that the following circumstances together are found to be indicative of bad faith use of the Domain Names:

- the probability that the Respondent was aware or should have been aware of the Complainant's rights in the Trade Marks;
- the lack of a formal Response of the Respondent;
- the use upon registration of the Domain Name of a proxy service and, as disclosed by the Registrar, an incomplete or non-existing address, apparently to hide the identity of the Respondent.

Therefore, the Panel concludes that the Domain Names have been registered and are being used in bad faith.

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 <carrefouroff.pro> and <offcarrefour.pro> be transferred to the Complainant.

/Wolter Wefers Bettink/

Wolter Wefers Bettink

Sole Panelist

Date: August 25, 2025