

## **ADMINISTRATIVE PANEL DECISION**

**Carrefour SA and Atacadão - Distribuição, Comércio E Indústria LTDA. v.  
WALDIR PENIDO**

**Case No. D2025-5429**

### **1. The Parties**

The Complainants are Carrefour SA, France and Atacadão - Distribuição, Comércio E Indústria LTDA., Brazil, represented by IP Twins, France.

The Respondent is WALDIR PENIDO, Brazil.

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

The disputed domain name <meumercadoatacado.com> is registered with GoDaddy.com, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 30, 2025. On December 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 31, 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 January 6, 2026, 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 January 7, 2026.

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 January 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 1, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 2, 2026.

The Center appointed Manoel J. Pereira dos Santos as the sole panelist in this matter on February 9, 2026. 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**

Pursuant to the information provided in the Complaint, the Complainant Carrefour SA was founded in 1959, operates more than twelve thousand stores in more than 30 countries, and has more than 384,000 employees worldwide. Complainants represent that Complainant Carrefour is a major and well-known worldwide leader in retail.

In addition, the Complainant Atacadão – Distribuição, Comércio e Indústria Ltda. is a leading wholesale and retail chain, established in 1960 and recognized for its extensive network of over 300 stores and distribution centers across all Brazilian states, which became a subsidiary of Complainant Carrefour SA.

The Complainants are the owners of several registered ATACADAO and ATACADÃO trademarks, in particular:

- European Union trademark ATACADAO No. 012020194, registered on May 24, 2015, and designating services in international class 35;
- Brazilian trademark ATACADÃO No. 006785344, registered on October 10, 1978, duly renewed and designating goods in class 31; and
- Brazilian trademark ATACADAO No. 006937497, registered on May 25, 1979, duly renewed and designating services in class 35.

The disputed domain name was registered on December 16, 2025. At the time of drafting the Complaint, the disputed domain name <meumercadoatacado.com> resolved to an active website written in Portuguese. On February 18, 2026, the Panel unsuccessfully attempted to access the disputed domain name, and the following message was received: “meumercadoatacado.com’ is parked free, courtesy of Godaddy.com. Get this Domain.” As described in Complaint, the website was previously presented under the heading “Mercado Atacadão”, displaying an interface which resembled an online grocery store, and offering grocery and household products for sale. The website displayed prices in Brazilian reais (BRL) and enabled users to place orders via WhatsApp.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that they hold rights in the trademarks ATACADAO and ATACADÃO, which are used in connection with retail and grocery services, particularly in Brazil, and that the disputed domain name <meumercadoatacado.com> incorporates the trademark ATACADAO in its entirety, without alteration. The Complainants assert that the incorporation of a complainant’s trademark in its entirety is sufficient to establish confusing similarity for the purposes of paragraph 4(a)(i) of the Policy.

On the other hand, the Complainants contend that the additional terms “meu” and “mercado” do not dispel confusing similarity, but, on the contrary, these terms are descriptive Portuguese words meaning “my” and “market”, respectively, and directly relate to the Complainants’ core business activity. The Complainants further argue that Panels have consistently held that the addition of descriptive or generic terms, particularly those referring to the complainant’s goods or services, does not avoid confusing similarity.

Finally, the generic Top-Level Domain (“gTLD”) “.com” is a standard registration requirement and is disregarded for the purposes of assessing confusing similarity under the Policy. Therefore, the disputed domain name <meumercadoatacado.com> is confusingly similar to the Complainants’ trademarks ATACADA0 and ATACADÃO within the meaning of paragraph 4(a)(i) of the Policy.

The Complainants submit that the Respondent has no rights or legitimate interests in respect of the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy. The Complainants argue that, under well-established UDRP practice, once the Complainants establish a prima facie case, the burden of production shifts to the Respondent to demonstrate rights or legitimate interests. The Respondent has provided no evidence to rebut the Complainant’s prima facie case.

The Complainants contend that the use of the disputed domain name to resolve to an active website presented under the name “Mercado Atacadão” does not constitute a bona fide offering of goods and services within the meaning of paragraph 4(c)(i) of the Policy because the disputed domain name incorporates the ATACADÃO trademark in its entirety without Complainants’ authorization. In addition, the Complainants assert that the disputed domain name itself conveys the impression of an official or customer-facing service associated with the Complainants’ ATACADÃO brand, and the corresponding website reinforces that impression.

The Complainants further argue that Panels consistently hold that the unauthorized use of a complainant’s trademark to offer goods or services, in a manner that suggests affiliation, sponsorship, or endorsement, cannot be considered bona fide.

Moreover, the Complainants contend that the Respondent is not commonly known by the disputed domain name because there is no evidence that the Respondent is identified by any name corresponding to “meumercadoatacado”, “mercado atacadão”, or any similar designation. On the other hand, the Complainants are known in commerce under the ATACADÃO name.

The Complainants also argue that the Respondent is not making any legitimate noncommercial or fair use of the disputed domain name, but rather a commercial use in direct connection with retail services identical to those offered by the Complainants. The Complainants further argue that Panels have consistently rejected claims of fair use where a domain name reproduces a complainant’s trademark and is used in a commercial context that targets the complainant’s field of activity.

Finally, the Complainants contend that the disputed domain name was registered and was being used in bad faith. The disputed domain name was registered in bad faith because it was registered long after the Complainants had established rights in the trademarks ATACADA0 e ATACADÃO, which are widely used and well known in connection with grocery retail services in Brazil. Accordingly, it is inconceivable that the Respondent was unaware of the Complainants’ ATACADA0 and ATACADÃO trademarks at the time of registration of the disputed domain name.

The Complainants argue that the composition of the disputed domain name leaves no room for coincidence as it incorporates the Complainants’ trademark ATACADA0 in its entirety, combined with the Portuguese terms “meu” (“my”) and “mercado” (“market”), which directly refer to the Complainants’ core business activity. Such a construction is inherently referential to the Complainants and their retail services and has no plausible independent meaning unrelated to the Complainants. The deliberate choice of language and terminology confirms that the Respondent had the Complainants’ trademarks in mind when registering the disputed domain name.

In addition, the Respondent elected to conceal its identity through the use of a privacy service at the time of registration. While the use of a privacy service is not inherently illegitimate, panels frequently regard it as an additional indicium of bad faith when combined with other circumstances pointing to abusive registration, as is the case herein.

The Complainants also contend that the disputed domain name was being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy because, at the time of filing the Complaint, the disputed domain name <meumercadoatacado.com> resolved to an active commercial website presented under the name “Mercado Atacadão”, offering grocery and household products for sale, displaying prices in Brazilian reais (BRL), and enabling users to place orders, notably through WhatsApp.

The Complainants argue that, by using the disputed domain name in this manner, the Respondent intentionally attempted to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainants’ ATACADAO and ATACADÃO trademarks as to the source, sponsorship, affiliation, or endorsement of the website and the services offered on it, within the meaning of paragraph 4(b)(iv) of the Policy.

The Complainants further argue that Panels consistently hold that the operation of a commercial website under a domain name that impersonates or falsely suggests affiliation with a complainant constitutes bad faith use under the Policy. This is particularly so where, as here, the disputed domain name reproduces the Complainants’ trademark in its entirety and is used in the same field of commercial activity.

## **B. Respondent**

The Respondent did not reply to the Complainants’ 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 3.1](#)”), section 1.7.

The Complainants have shown rights in respect of the trademarks ATACADAO and ATACADÃO for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the ATACADAO and ATACADÃO marks are recognizable within the disputed domain name. In spite of the insertion of other terms, here, “meu” and “mercado”, 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 3.1](#), section 1.8.

Finally, the gTLD (“.com”) is a standard registration requirement and is disregarded for the confusing similarity analysis under the Policy.

The Panel finds the first element of the Policy has been established.

### **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 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel notes that there is no evidence showing that the Respondent is authorized or licensed to use the trademark ATACADAO. Also, there is no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy. Finally, the Respondent was not making any legitimate noncommercial or fair use of the disputed domain name, but rather a commercial use in direct connection with retail services identical to those offered by the Complainants. The Panel further notes that the Respondent selected an orange color (over a black background) for its website, and that the Complainant also uses the orange color prominently on its website and logo.

Therefore, the Panel finds the second element of the Policy has been established.

### **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.

In the present case, the Panel notes that the ATACADÃO trademark has been widely used in commerce in Brazil well before the registration of the disputed domain name. Previous Panels have recognized that the Complainants' trademark is a distinctive trademark that enjoys reputation including in Brazil, where the Respondent seems to have an address (see e.g. *Carrefour SA, Atacadão S.A. v. Bento Ferreira, Amelio Herl*, WIPO Case No. [D2024-3706](#); *Carrefour SA and Atacadão - Distribuição, Comércio E Indústria LTDA. v. gabriel silva, Carpau Agropecuaria LTDA*, WIPO Case No. [D2025-4326](#); *Carrefour SA, Atacadão - Distribuição, Comércio E Indústria LTDA. v. ana maria vieira lopes*, WIPO Case No. [D2025-4851](#)).

The composition of the disputed domain name, that includes a term ("mercado" or "market") linked to the Complainants' activities, is a further element to be considered, coupled with the Respondent's use of the disputed domain name for a website predominantly displaying orange, a color that the Complainant uses as well for its website and logo. Under these circumstances, it is most likely that the Respondent was aware of the Complainants' trademark at the registration date of the disputed domain name. By failing to respond, the Respondent provided no explanations for why it registered a domain name is confusingly similar to the Complainants' trademark.

The Panel also notes that, at the time of drafting the Complaint, the disputed domain name resolved to an active website written in Portuguese, presented under the name "Mercado Atacadão", offering grocery and household products for sale, displaying prices in Brazilian reais (BRL), and enabling users to place orders. By using the disputed domain name in this manner, the Respondent intentionally attempted to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainants' ATACADAO and ATACADÃO trademarks as to the source, sponsorship, affiliation, or endorsement of the website and the services offered on it, within the meaning of paragraph 4(b)(iv) of the Policy.

The Panel further notes that currently the disputed domain name resolves to no active website. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel finds

that in the circumstances of this case the current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Therefore, 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 <meumercadoatacado.com> be transferred to the Complainants.

*/Manoel J. Pereira dos Santos/*

**Manoel J. Pereira dos Santos**

Sole Panelist

Date: February 19, 2026