

ADMINISTRATIVE PANEL DECISION

Carrefour v. Dexter Turner

Case No. D2022-3691

1. The Parties

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

Respondent is Dexter Turner, Australia.

2. The Domain Name and Registrar

The disputed domain name <carrefour-france.site> (hereinafter the “Disputed Domain Name”) is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 4, 2022. On October 5, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On October 5, 2022, 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 and contact information in the Complaint. The Center sent an email communication to Complainant on October 10, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on October 14, 2022.

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 Respondent of the Complaint, and the proceedings commenced on October 19, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 8, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on November 15, 2022.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on December 2, 2022. 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

Complainant is a French multinational retail and wholesaling corporation that also offers travel, banking, insurance, and ticketing services. Complainant first offered its services in 1968 and since that time, Complainant has grown to operate more than 12,000 stores in more than 30 countries worldwide. Complainant has more than 384,000 employees and has 1.3 million visitors daily to its stores internationally. Complainant also owns multiple international trademark registrations for the mark CARREFOUR. Of relevance to this proceeding is an International trademark registration for CARREFOUR (Reg. No. 351147) (Registered October 2, 1968), and an International trademark registration for CARREFOUR (Reg. No. 353849) (Registered on February 28, 1969) (the "Mark"). Complainant also owns the domain name <carrefour.com>, a domain that it registered in 1995.

Respondent registered the Disputed Domain Name on April 12, 2022, long after Complainant registered its CARREFOUR mark. The Disputed Domain Name resolves to a webpage displaying an error message.

5. Parties' Contentions

A. Complainant

Complainant contends that the Disputed Domain Name is confusingly similar to its CARREFOUR mark, as the Disputed Domain Name incorporates the entirety of the Mark, followed by the geographic term "france." Complainant claims that the use of the term "france" further exacerbates the risk of confusion because it corresponds to the country in which Complainant's headquarters are located. Complainant further asserts that its CARREFOUR mark has become well-known through its long-term decades of worldwide use of the mark in connection with Complainant's services.

Next, Complainant alleges that Respondent has no rights or legitimate interests in the Disputed Domain Name, as Respondent is not commonly known by the Disputed Domain Name and it does not own any trademarks for the CARREFOUR mark. Complainant also states that it has not authorized Respondent to use the Disputed Domain Name and that Respondent is not otherwise authorized or affiliated with Complainant. Complainant further claims that because the Disputed Domain Name resolves to an error page, Respondent has not used or made preparations to use the Disputed Domain Name in connection with a *bona fide* offering of goods and/or services. In light of the worldwide renown of Complainant's trademark, Complainant sees no plausible use of the Disputed Domain Name that would be legitimate fair or noncommercial use.

Finally, Complainant alleges that the fame of its CARREFOUR mark makes it inconceivable that Respondent was unaware of Complainant and its earlier rights. Complainant claims Respondent's choice of the Disputed Domain Name was not accidental and was influenced by the fame of Complainant's CARREFOUR mark. Complainant alleges that Respondent registered the Disputed Domain Name in the hope and expectation that Internet users searching for Complainant's services and products would instead come across the Disputed Domain Name. Complainant states that the resolution of the Disputed Domain Name to an error page does not prevent a finding of bad faith.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel finds that Complainant's trademark registrations establish that it has rights in the CARREFOUR mark. The Panel further finds that, because the Disputed Domain Name incorporates Complainant's mark entirely, it is confusingly similar to Complainant's registered Mark. Respondent's addition of the geographic term "france," which corresponds to the principal headquarters location of Complainant, does not prevent a finding of confusing similarity. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8; see also *The Kraft Heinz Foods Company v. Bernard Hees*, WIPO Case No. [D2017-0641](#) (finding <kraftheinz-usa.com> confusingly similar to complainant's KRAFT and HEINZ marks).

B. Rights or Legitimate Interests

Complainant has presented a *prima facie* case for Respondent's lack of rights or legitimate interests in the Disputed Domain Name, which Respondent has not rebutted. Complainant has not authorized Respondent to use its CARREFOUR mark. Respondent also has not answered this Complaint and there is no evidence or reason to suggest Respondent is, in fact, commonly known by the Disputed Domain Name or that Respondent is using the Disputed Domain Name in connection with a *bona fide* offering of goods or services.

The Panel finds that Respondent does not have rights or legitimate interests in the Disputed Domain Name and that Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent acquired the Disputed Domain Name fully aware of Complainant's rights. Considering Complainant's allegations that its CARREFOUR mark is famous, which Respondent has not denied, as well as the nature of the Disputed Domain Name (incorporating Complainant's coined mark and a term related to Complainant's principal headquarters), the Panel infers that Respondent most likely knew of Complainant's famous CARREFOUR mark when Respondent registered the Disputed Domain Name. As such, Respondent registered the Disputed Domain Name in bad faith. See *Veuve Cliquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#) (bad faith is found where a domain name "is so obviously connected with such a well-known product that its very use by someone with no connection with the product suggests opportunistic bad faith"). Additionally, the apparent passive holding of the Disputed Domain Name does not prevent a finding of bad faith in these circumstances. See [WIPO Overview 3.0](#), section 3.3; see also *Volkswagen AG v. Brad Hanson, tradessupersite*, WIPO Case No. [D2016-0429](#).

Complainant has satisfied 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 Name <carrefour-france.site> be transferred to Complainant.

/Lawrence K. Nodine/

Lawrence K. Nodine

Sole Panelist

Date: December 22, 2022