

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. li jiang
Case No. D2024-4575

1. The Parties

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

The Respondent is li jiang, China.

2. The Domain Name and Registrar

The disputed domain name <aniversariocarrefour.com> is registered with Cosmotown, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 7, 2024. On November 7, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 9, 2024, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 12, 2024, 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 November 12, 2024.

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 November 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 5, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 10, 2024.

The Center appointed Enrique Ochoa de G. Argüelles as the sole panelist in this matter on December 17, 2024. 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 has engaged in retail activities under the mark CARREFOUR since 1959.

The Complainant currently operates over 12,000 stores in more than 30 countries and generated revenue of some EUR 80 billion in 2022.

The Complainant owns many CARREFOUR-formative registered trademarks including, among others:

- International trademark CARREFOUR, registration number 191353 with registration date March 9, 1956, in class 3 in force and effect in Benelux - Spain - Italy;
- International trademark CARREFOUR, registration number 351147 with registration date October 2, 1968, in classes 1 and 34 in force and effect in Benelux - Spain - Italy - Monaco;
- International trademark CARREFOUR, registration number 353849 with registration date February 28, 1969, in classes 35 and 42 in force and effect in Benelux - Czech Republic - Spain, among others.

The Panel confirmed the information on said evidenced trademarks registrations via the WIPO Madrid Monitor.

For purposes of the Decision, hereinafter the referred trademark registrations and other trademarks owned by the Complainant which contain the term CARREFOUR will be referred to as CARREFOUR trademarks.

The Complainant operates a website at “www.carrefour.com”.

The disputed domain name was registered on October 20, 2024.

The disputed domain name is used for a landing / parking page that redirects to PPC (pay per click) activity, with links such as “Win Sweepstakes”, “Sweepstakes Software”, and “Win Prizes”.

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.

Notably, the Complainant contends that:

- The Complainant enjoys a significant online presence across multiple social media platforms, followed by millions of users worldwide.
- The vast number of Carrefour's social media followers demonstrates the extensive reach of its trademark, strengthening the Complainant's position in these proceedings.
- The Complainant provides the following data as a limited example of Carrefour's substantial online presence, with millions of followers across social media platforms.
- The Complainant respectfully asks the Panel to declare that the Complainant's trademarks are well-known.
- The disputed domain name was registered decades after the Complainant acquired trademark rights on “CARREFOUR”.

- The Complainant contends that the disputed domain name is confusingly similar to the Complainant's CARREFOUR trademarks.
- The disputed domain name incorporates the Complainant's well known trademark CARREFOUR in its entirety. The addition of the term "aniversario", a common Spanish and Portuguese word meaning "anniversary", does not prevent the disputed domain name from being confusingly similar to the Complainant's trademark. On the contrary, this additional term may enhance confusion by suggesting a potential official celebration or promotional event associated with CARREFOUR, further increasing the likelihood of consumer misunderstanding.
- The Respondent has no rights or legitimate interests in the disputed domain name, as it is being used solely to resolve to a PPC webpage. Such a use does not constitute a bona fide offering of goods or services under the UDRP, nor does it demonstrate a legitimate noncommercial or fair use. Instead, PPC websites typically generate revenue by misleading Internet users into clicking on links that are unrelated to the Complainant's business. This exploitation of the Complainant's well-known CARREFOUR trademark in this manner cannot establish any legitimate interest on the Respondent's part.
- The CARREFOUR trademark is globally recognized and associated with one of the largest and most prominent retail chains in the world. The Complainant's trademark has been widely used and heavily promoted in numerous countries, including the regions where Spanish and Portuguese speakers would recognize the term "aniversario" as meaning "anniversary". Given the substantial reputation and high visibility of the CARREFOUR brand, it is inconceivable that the Respondent could have registered the domain name without awareness of the Complainant's rights. The choice to incorporate CARREFOUR within the disputed domain name strongly suggests that the Respondent intentionally selected it to create a misleading association with the Complainant's well-known brand.

B. Respondent

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

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in the disputed domain name; and
- (iii) 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 (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 such as “aniversario” may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 a nutshell, the disputed domain name includes the whole of the CARREFOUR trademarks after the term “aniversario” and since the generic Top-Level Domain (“gTLD”) suffix is usually disregarded – in this case “.com” – all said circumstances aim to a finding of confusing similarity under the first element. For easy reference *Carrefour SA v. Domain Privacy, Domain Name Privacy Inc.* WIPO Case No. [D2024-1032](#) regarding the domain name <hiperaniversariocarrefour.com>.

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 3.0](#), section 2.1.

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. 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.

Panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant’s mark or otherwise mislead Internet users. [WIPO Overview 3.0](#), section 2.9. For easy reference *Sandoz AG v. shi lei*, WIPO Case No. [D2024-2965](#).

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 Respondent:

- knew or should have been aware of the existence of CARREFOUR trademarks and their fame;
- apparently, is a known cybersquatter involved in at least nine UDRP cases – all ordering transfer of the domain name in dispute;
- did not file a response to the Complaint; and

- registered the disputed domain names without authorization of the Complainant to take advantage of the fame of CARREFOUR trademarks and to attract and mislead Internet users to sites through PPC activity.

And all these circumstances point to the fact that the disputed domain name was registered and is used in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and 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](#), sections 3.1.4 and 3.2.1.

For easy reference, *Fenix International Limited v. Privacy Services Provided by Withheld for Privacy ehf / Megan Scott*, WIPO Case No. [D2022-1943](#)

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 <aniversariocarrefour.com> be transferred to the Complainant.

/Enrique Ochoa de G. Argüelles/

Enrique Ochoa de G. Argüelles

Sole Panelist

Date: December 31, 2024