

## ADMINISTRATIVE PANEL DECISION

Carrefour SA v. packet emblazer  
Case No. D2024-4675

### 1. The Parties

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

The Respondent is packet emblazer, Thailand.

### 2. The Domain Name and Registrar

The disputed domain name <carrefourpass-info.com> is registered with Sav.com, LLC (the "Registrar").

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 13, 2024. On November 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 14, 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 15, 2024.

The Center verified that the Complaint 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 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 9, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 10, 2024.

The Center appointed Angelica Lodigiani as the sole panelist in this matter on December 13, 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 is the French company Carrefour SA, a world leader in retail, and pioneer of the concept of hypermarkets in 1968. The Complainant is listed on the Paris Stock Exchange, operates more than 12,000 stores in over 30 countries worldwide, and employs more than 384,000 employees worldwide. The Complainant counts over 1.3 million daily visitors in its stores.

The Complainant is the owner of a extensive portfolio of CARREFOUR trademarks registered all over the world, including the following:

- CARREFOUR, International trademark registration No. 563304, registered on November 6, 1990, in classes 1-42, designating various jurisdictions worldwide;

- CARREFOUR, European Union trademark registration No. 008779498, registered on July 13, 2010, in class 35.

In addition, the Complainant is the owner of the domain names <carrefour.com>, registered on October 25, 1995, and <carrefour.fr>, registered on June 23, 2005, which are used to promote the Complainant's services.

The disputed domain name was created on October 31, 2024, and resolves to an error page.

#### **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 disputed domain name is confusingly similar to the Complainant's mark. The disputed domain name incorporates the Complainant mark followed by the words "pass" and "info", which cannot preclude a finding of confusing similarity.

The Complainant further contends that the Respondent lacks rights and legitimate interests in the disputed domain name. The Complainant has no relationship with the Respondent and never authorized the Respondent to use its CARREFOUR mark in any manner whatsoever, including as part of the disputed domain name. The Respondent does not own trademarks consisting of, or containing, the word "carrefour" and the Complainant has found no evidence that the Respondent is commonly known by the disputed domain name. The Respondent has not used or made preparations to use the disputed domain name in relation to a bona fide offering of goods or services, as the disputed domain name resolves to an error page.

Lastly, the Complainant contends that the Respondent has registered and using the disputed domain name in bad faith.

According to the Complainant, the CARREFOUR trademark enjoys wide reputation. Such a reputation is confirmed by the longstanding, intensive, and widespread use of the CARREFOUR mark, and by the high number of followers on the Complainant's social network accounts. A simple search on the Internet over the term "carrefour" would have disclosed the Complainant and its mark. It is therefore very likely that the Respondent knew the Complainant and its renowned CARREFOUR trademark at the time of the registration of the disputed domain name. Therefore, the Respondent registered the disputed domain name in bad faith.

As far as use in bad faith is concerned, the Complainant maintains that the fact that the disputed domain name resolves to an error page, and is therefore inactive, does not prevent a finding of bad faith use. In particular, the disputed domain name provides the strong impression of a connection of the disputed domain name with the Complainant's mark. Internet users could believe that they are visiting an official website of the Complainant or of an affiliate of the Complainant. Considering that the disputed domain name incorporates the Complainant's well-known CARREFOUR mark, it is hard to imagine that the Respondent could use the disputed domain name in good faith in the future. Since no legitimate use of the disputed domain name is conceivable, the Complainant assumes that the Respondent registered and is using the disputed domain name to disturb the Complainant's activities or to resell it.

## **B. Respondent**

The Respondent did not reply to the Complainant's 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 3.0](#)"), 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, here, "pass-info", 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.

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.

The Complainant has no relationship with the Respondent and did not authorize the Respondent to make use of its CARREFOUR mark in any way, including as part of the disputed domain name. Moreover, nothing in the case file shows that the Respondent has been commonly known by the disputed domain name. The disputed domain name resolves to an error page and is therefore inactive. Accordingly, the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services.

The composition of the disputed domain name, incorporating the Complainant's mark along with two words "pass" and "info" that could be associated with the Complainant's activity (in particular noting the Complainant offers financial services under the term "pass"), is such as to render the disputed domain name highly misleading in the eyes of the Internet users looking for the Complainant and finding the disputed domain name. UDRP panels have largely held that the composition of a domain name cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner.

In light of the aforementioned circumstances, 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 given the widespread and longstanding use of the Complainant's mark the same enjoys reputation. Previous UDRP panels have also acknowledged the Complainant's reputation (see, among various, *Carrefour SA v. Carmelo Vera, Jesus Murillo, Gregorio Arroyo, Lorenzo Redondo, Eduardo Miranda, Ignacio Vazquez*, WIPO Case No. [D2024-3402](#); *Carrefour SA v. João Pedro*, WIPO Case No. [D2024-2895](#); *Carrefour SA. Jamyz Baleck, Beneld Liis*, WIPO Case No. [D2023-1491](#)).

Moreover, a simple Internet search reveals that the CARREFOUR mark is uniquely associated with the Complainant. Accordingly, the Panel concludes that the Respondent knew or at least should have known the CARREFOUR mark when it registered the disputed domain name. The registration of a domain name confusingly similar to a third party's renowned trademark, being aware of such trademark and without rights or legitimate interests, amounts to registration in bad faith.

As far as use in bad faith is concerned, as mentioned above, the disputed domain name is inactive.

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 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

In light of the foregoing, 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 <carrefourpass-info.com> be transferred to the Complainant.

*/Angelica Lodigiani/*

**Angelica Lodigiani**

Sole Panelist

Date: December 24, 2024