

## **ADMINISTRATIVE PANEL DECISION**

Carrefour SA v. Jacky Colart  
Case No. D2024-4682

### **1. The Parties**

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

The Respondent is Jacky Colart, Germany.

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

The disputed domain name <carrefour-banque.business> 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 November 13, 2024. On November 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 14, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on November 15, 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 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 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 8, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 9, 2024.

The Center appointed Eva Fiammenghi 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 is Carrefour SA, a French multinational corporation headquartered in Massy, France. Founded in 1959, the Complainant is one of the largest global retail companies, operating hypermarkets, supermarkets, and convenience stores in over 30 countries. The Complainant is a leader in the retail sector and engages in a variety of other services, including e-commerce, banking, and financial services.

The Complaint is based on several of the Complainant's well-known trademarks:

- International Trademark Reg. No. 351147, CARREFOUR, Reg. Date October 2, 1968, Classes 1 to 34;
- International Trademark Reg. No. 353849, CARREFOUR, Reg. Date February 28, 1969, Classes 35 to 42;
- European Union Trademark Reg. No. 005178371, CARREFOUR, Reg. Date August 30, 2007, Classes 9, 35, and 38;
- French Trademark Trademark Reg. No. 3585968, BANQUE CARREFOUR Reg. Date July 2, 2008, Class 36; and
- French Trademark Trademark Reg. No. 3585950, CARREFOUR BANQUE & ASSURANCE Reg. Date December 5, 2008, Class 36.

In addition, the Complainant is also the owner of numerous domain names identical to, or comprising, its trademarks, both within generic and country-code Top-Level Domains ("TLDs"). For instance, <carrefour.com>, <carrefour.fr>, <carrefour-banque.com> and <carrefour-banque.fr>, and <carrefourbanca.it>.

The disputed domain name, <carrefour-banque.business>, was registered on November 9, 2024. The content of the website at the disputed domain name includes a login page copying the Complainant's CARREFOUR trademarks, logos, and branding elements, as well as promotional text and imagery mimicking the Complainant's operations in the financial and banking sector.

#### **5. Parties' Contentions**

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

The Complainant contends that it has satisfied each of the elements required under the Policy for the transfer of the disputed domain name.

Notably, the Complainant argues that the disputed domain name is confusingly similar to its registered trademarks, including CARREFOUR and BANQUE CARREFOUR. The disputed domain name entirely incorporates the Complainant's trademarks, combined with descriptive terms closely associated with the Complainant's business activities. The inclusion of such terms as "banque" (bank) enhances the likelihood of confusion, as they directly refer to the Complainant's financial services.

The Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent is not affiliated with the Complainant, has not been authorized to use the CARREFOUR trademarks, and is not commonly known by the disputed domain name. The Complainant contends that the Respondent's use of the disputed domain name is not for any bona fide offering of goods or services but is instead intended to mislead and confuse Internet users by creating a false association with the Complainant.

The Complainant contends that the Respondent registered and is using the disputed domain name in bad faith. The Complainant highlights that the Respondent's registration and use of the disputed domain name exploit the goodwill and reputation of the CARREFOUR trademarks, likely to attract Internet users for commercial gain or to deceive them into believing the disputed domain name is affiliated with the Complainant. The Complainant further alleges that the Respondent's actions harm its brand and mislead Internet users, constituting bad faith under the Policy.

Based on these arguments, the Complainant seeks the transfer of the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, to succeed a complainant must prove 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 respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

These elements are discussed in turn below. In considering these elements, paragraph 15(a) of the Rule provides that the Panel shall decide the Complaint on the basis of statements and documents submitted and in accordance with the Policy, the Rules and any other rules or principles of law that the Panel deems applicable.

### **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 Panel finds the trademark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The disputed domain name wholly incorporates the Complainant's trademark CARREFOUR with the addition of the term "-banque," which directly relates to the Complainant's financial and banking services. This addition does not negate the confusing similarity between the disputed domain name and the Complainant's trademark. The addition of other terms, such as "banque" (bank), does not avoid a finding of confusing similarity, as the trademark CARREFOUR is recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.8. Furthermore, the use of the TLD ".business" is generally disregarded in the assessment of confusing similarity under the Policy.

The Panel concludes that 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 Respondent has not demonstrated a legitimate noncommercial or fair use of the disputed domain name.

Panels have held that the use of a domain name for illegitimate activity, such as impersonation, passing off, or phishing, can never confer rights or legitimate interests on a Respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel finds that 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 finds that the Respondent registered and used the disputed domain name in bad faith for several reasons.

Firstly, the Respondent has engaged in a pattern of registering domain names that incorporate the trademarks of others, which disrupts the business activities of trademark owners and indicates a bad faith intent. The Panel notes that the Complainant and its trademarks are well-known and therefore is convinced that the Respondent had the Complainant in mind when registering the disputed domain name.

Secondly, the Respondent’s use of the disputed domain name seeks to intentionally attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant’s well-known trademark. This includes the reproduction of the Complainant’s branding and logos, further misleading Internet users into believing that the disputed domain name is associated with or endorsed by the Complainant.

Furthermore, the disputed domain name reproduces the Complainant’s distinctive trademark in its entirety without authorization. The use of this trademark in connection with the promotion or sale of goods or services undermines the Complainant’s rights and misleads Internet users about the source of the offerings on the Respondent’s website.

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. The circumstances in this case, particularly the intent to create

confusion and profit from the Complainant's reputation, align with the principles outlined in [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegitimate activity, including passing off or phishing constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The Respondent's actions clearly demonstrate such bad faith.

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 <carrefour-banque.business> be transferred to the Complainant.

*/Eva Fiammenghi/*

**Eva Fiammenghi**

Sole Panelist

Date: December 31, 2024