

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Sophia
Case No. D2024-4877

1. The Parties

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

The Respondent is Sophia, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <carrefour-mallvip.wang> is registered with Dominet (HK) Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 26, 2024. On November 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 27, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 27, 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 28, 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 28, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 18, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 19, 2024.

The Center appointed Erica Aoki as the sole panelist in this matter on January 2, 2025. 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 a worldwide leader in retail and a pioneer of the concept of hypermarkets back in 1968.

With a turnaround of EUR 80.7 billion in 2019, the Complainant is listed on the index of the Paris Stock Exchange (CAC 40).

The Complainant operates more than 12,000 stores in more than 30 countries worldwide. With more than 321,000 employees worldwide, 11 million daily checkouts in its stores and 1.3 million daily unique visitors in its online stores, the Complainant is one of the major and well-known worldwide leaders in retail. The Complainant additionally offers travel, banking, insurance, or ticketing services.

The Complainant has been using the trademark CARREFOUR worldwide for more than 50 years and has its trademark registered in several jurisdictions. For example, the Complainant owns the International trademark for CARREFOUR (Registration No. 351147), registered on October 2, 1968, duly renewed, and designating goods in international classes 1 to 34, and International trademark for CARREFOUR (Registration No. 353849), registered on February 28, 1969, duly renewed and designating services in international classes 35 to 42.

The disputed domain name was registered on November 10, 2024, and resolves to an inactive 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.

The Complainant owns several hundred trademark rights worldwide in the "Carrefour" term. In addition, the Complainant is also the owner of numerous domain names identical to, and comprising, its trademarks, both within generic and country code Top-Level Domains. For instance, <carrefour.com> has been registered since 1995.

The Complainant contends that the disputed domain name reproduces the Complainant's trademarks. Therefore, the Complainant contends that the disputed domain name is identical or confusingly similar to its well-known trademark since it contains the trademark CARREFOUR in its entirety, associated to the terms "mall" and "vip". The mere presence of the term "mall" in this case, considering the concerned trademark, does nothing to discard the confusing similarity between the disputed domain name and the trademark CARREFOUR. To the contrary, that term being related to the Complainant's business increases the likelihood of confusion.

Moreover, the use of lower-case letter format on one hand and the addition of the Top-Level Domain on the other hand, are not significant in determining whether the disputed domain name is identical or confusingly similar to the trademark of the Complainant.

Therefore, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's earlier trademark CARREFOUR.

The Respondent should be considered as having no rights or legitimate interests in respect of the disputed domain name, and the Respondent has registered and is using the disputed domain name in bad faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions

6. Discussion and Findings

The Complainant is required to establish the requirements specified under paragraph 4(a) of the Policy: (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in respect of which the Complainant has rights; (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and (iii) that the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusing Similar

Based on the facts in the present proceeding, this Panel finds that the disputed domain name reproduces the Complainant's CARREFOUR trademark in its entirety.

The Complainant has established its rights to the CARREFOUR trademarks through registration and use. The Panel further finds that there is no doubt that the disputed domain name is confusingly similar to the Complainant's CARREFOUR trademark, as the disputed domain name includes the Complainant's mark entirely, with only the addition of the terms "mall" and "vip" to the CARREFOUR trademark, which does not prevent a finding of confusing similarity (see sections 1.7 and 1.8 of the WIPO Overview of Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#))).

The Panel finds that the Complainant has established the first element of paragraph 4(a) of the Policy.

B. Rights or Legitimate Interests

The Respondent is in default and thus has made no affirmative attempt to show any rights or legitimate interests in the disputed domain name.

There is no evidence on record that the Respondent is or was commonly known by the disputed domain name as an individual, business, or other organization. See section 2.3 of the [WIPO Overview 3.0](#).

There is no evidence on record that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trademark. Paragraph 4(c) of the Policy indicates that a respondent may have a right or legitimate interest in a domain name if it uses the domain name in connection with a bona fide offering of goods or services prior to notice of the dispute.

In this regard, the Respondent is not connected with the Complainant and has not received any authorization to use any of the Complainant's trademarks. The disputed domain name resolves to an inactive page. The non-use of a domain name does not confer any rights or legitimate interests onto the Respondent under the circumstances of this case.

Thus, the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Panel therefore finds that the Complainant has established an un rebutted prima facie case, i.e., that the Respondent has no rights or legitimate interests in the disputed domain name, under Policy, paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

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

The Complainant contends that the Respondent acquired the disputed domain name to attract Internet users by creating a likelihood of confusion with the Complainant's earlier marks. The Complainant's trademark was registered long before the registration of the disputed domain name. Given the reputation of the Complainant's trademark and the composition of the disputed domain name which incorporates the Complainant's trademark in its entirety together with the terms "mall" and "vip" referring to the Complainant's business, the Respondent very likely registered the disputed domain name having the Complainant's trademark in mind. Therefore, the Panel finds that it is most likely that the Respondent was aware of the Complainant's rights in the CARREFOUR trademark at the time the disputed domain name was registered, indicating that such registration was made in bad faith.

As to the use of the disputed domain name, the Panel notes that, as highlighted above, it does not resolve to an active website. According to section 3.3 of the [WIPO Overview 3.0](#), the Panel finds that the current passive holding of the disputed domain name by the Respondent does not prevent a finding of bad faith registration and use, particularly considering the reputation of the Complainant's trademark and the composition of the disputed domain name clearly targeting the Complainant.

Accordingly, the Panel finds that the Respondent has registered and used the disputed domain name in bad faith under the Policy, paragraph 4(a)(iii).

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-mallvip.wang> be transferred to the Complainant.

/Erica Aoki/

Erica Aoki

Sole Panelist

Date: January 14, 2025