

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. cheng wing
Case No. D2024-4941

1. The Parties

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

The Respondent is cheng wing, China.

2. The Domain Names and Registrar

The disputed domain names <carrefourpass-acceso.com> and <carrefourpass-movil.com> are 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 29, 2024. On November 29, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On November 29, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names 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 December 3, 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 December 4, 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 December 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 26, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 27, 2024.

The Center appointed Erica Aoki as the sole panelist in this matter on January 7, 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 76 billion in 2018, 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 384,000 employees worldwide, and 1.3 million daily unique visitors in its 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. Also, the Complainant has been using the trademark CARREFOUR PASS worldwide and for example has registration in Brazil trademark CARREFOUR PASS (Registration No. 821744739), registered on August 2, 2005, duly renewed, and designating goods in International Class 36; International trademark CARREFOUR PASS (Registration No. 719166), registered on August 18, 1999, duly renewed, and designating goods in International Class 36; French trademark CARREFOUR PASS (Registration No. 99780481), registered on August 27, 1999, duly renewed, and designating goods in International Class 36.

The disputed domain names <carrefourpass-acceso.com>, registered on November 15, 2024, and <carrefourpass-movil.com>, registered on November 14, 2024, resolve to inactive error pages.

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.

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, their 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 names reproduce the Complainant's trademarks. Therefore, the Complainant contends that the disputed domain names are identical or confusingly similar to its well-known trademark since it contains the trademarks CARREFOUR and CARREFOUR PASS in their entirety.

Both domain names follow the same pattern of "carrefourpass" + term "movil" or "acceso". Those generic terms are related to the business field of the Complainant: "acceso" is the Spanish and Portuguese word for "access", a generic word often associated with banking products and related to the Complainant's product CARREFOUR PASS credit card. The term "movil" is the Spanish and Portuguese word for "mobile" which is

a generic word also related to the Complainant's commercial activities. The term "mobile" is indeed a word often associated with products and services to raise an idea of ease and speed, that matches with the Complainant's retailing and banking services for instance. In addition, nameservers for both domain names are powered by the same hosting provider and both domain names websites are identical.

Adding descriptive, generic, or geographic terms to a trademark in a domain name is not sufficient to avoid misleading Internet users and to avoid creating a likelihood and confusion with the Complainant's trademark, and that because the trademark clearly stands out of the disputed domain names. In the present case the trademarks CARREFOUR PASS and CARREFOUR stand out because they are reproduced in attack position within the disputed domain names.

Therefore, the Complainant contends that the disputed domain names are confusingly similar to the Complainant's earlier trademark CARREFOUR PASS and CARREFOUR.

The Respondent should be considered as having no rights or legitimate interests in respect of the disputed domain names, and the Respondent has registered and is using the disputed domain names 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 names are 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 names; and (iii) that the disputed domain names have been registered and are 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 PASS trademark in its entirety.

The Complainant has established its rights to the CARREFOUR PASS 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 PASS trademark, as the disputed domain names include the Complainant's mark entirely, with only the addition of the terms "-accesso" and "-movil" to the CARREFOUR PASS 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 names.

There is no evidence on record that the Respondent is or was commonly known by the disputed domain names 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 names, 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 names resolve to inactive pages. The non-use of the disputed domain names 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 names. 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 names, 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 names in bad faith.

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

As to the use of the disputed domain names, the Panel notes that, as highlighted above, they do not resolve to active websites. According to section 3.3 of the [WIPO Overview 3.0](#), the Panel finds that the current passive holding of the disputed domain names 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 names clearly targeting the Complainant.

Accordingly, the Panel finds that the Respondent has registered and used the disputed domain names 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 names <carrefourpass-acceso.com> and <carrefourpass-movil.com> be transferred to the Complainant.

/Erica Aoki/

Erica Aoki

Sole Panelist

Date: January 21, 2025