

## **ADMINISTRATIVE PANEL DECISION**

Carrefour SA v. Hugo Fernandez, Ricardo Contreras, Diego Maestre, Luis Hernandez, Santiago Miranda, Marcos Quintana, Manuela Ojeda, Salvador Mendoza, Santiago Navarrete, Esperanza Redondo, Enrique Barbero, Pablo Belmonte, Gerardo Casado, Pedro Cabrera, Bernardo Montes, Ernesto Villanueva, Cristian Aguilar, Eugenio Hidalgo, Javier Olivares, Rafael Lagos, Roberto Herrera, and Luis Villanueva  
Case No. D2024-5144

### **1. The Parties**

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

Respondents are: Hugo Fernandez, Ricardo Contreras, Diego Maestre, Luis Hernandez, Santiago Miranda, Marcos Quintana, Manuela Ojeda, Salvador Mendoza, Santiago Navarrete, Esperanza Redondo, Enrique Barbero, Pablo Belmonte, Gerardo Casado, Pedro Cabrera, Bernardo Montes, Ernesto Villanueva, Cristian Aguilar, Eugenio Hidalgo, Javier Olivares, Rafael Lagos, Roberto Herrera, and Luis Villanueva, Spain.

### **2. The Domain Names and Registrars**

The disputed domain names <carrefour-group-es.icu>, <carrefour-group-es.online>, <carrefour-group-es.shop>, <carrefour-group-es.site>, <carrefour-group-es.store>, <carrefour-group-es.tech>, <carrefour-group-es.website>, <carrefour-group.icu>, <carrefour-group-sa.fun>, <carrefour-group-sa.shop>, <carrefour-group-sa.site>, <carrefour-group-sa.store>, <carrefour-group.site>, <carrefour-group-sl.icu>, <carrefour-group-sl.shop>, <carrefour-group-sl.site>, <carrefour-group-sl.store>, <carrefour-group-sl.website>, <carrefour-group.website>, <carrefour-market-sa.shop>, <carrefour-market-sa.store>, and <carrefour-market-sa.website> (the “Domain Names”) are registered with Hostinger Operations, UAB (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 13, 2024. On December 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On December 16, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent ((Privacy Protect, LLC (PrivacyProtect.org) and Unknown) and contact information in the Complaint.

The Center sent an email communication to Complainant on December 16, 2024 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting Complainant to either file separate complaints for the Domain Names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. Complainant filed an amended Complaint on December 18, 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 Respondents of the Complaint, and the proceedings commenced on December 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 8, 2025. Respondents did not submit any response. Accordingly, the Center notified Respondents' default on January 9, 2025.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on January 14, 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**

Since 1968, Complainant, Carrefour, has been in the retail business. With a revenue of EUR 83 billion in 2022, Complainant operates more than 12,000 stores in more than 30 countries worldwide, with over 384,000 employees worldwide and 1.3 million daily visitors in its stores. Complainant additionally offers travel, banking, insurance, and ticketing services.

Complainant is commercially present in Spain - where each of the Respondents is supposedly located - with more than 200 hypermarkets, 160 "Carrefour Market" supermarkets, and 1,000 "Carrefour Express" supermarkets. A dedicated website for its Spanish customers is available at "[www.carrefour.es](http://www.carrefour.es)".

Complainant owns several hundred trademark rights worldwide with the CARREFOUR mark, either alone or in combination with other terms, for example:

- International registered trademark No. 351147 for the CARREFOUR word mark, registered on October 2, 1968;
- International registered trademark No. 353849 for the CARREFOUR word mark, registered on February 28, 1969;
- European Union registered trademark No. 5178371 for the CARREFOUR word mark, registered on August 30, 2007;
- International registered trademark No. 1034794 for the CARREFOUR MARKET word mark, registered on December 23, 2009; and
- European Union registered trademark No. 6659643 for the CARREFOUR MARKET word mark, registered on December 18, 2008.

In addition, Complainant owns numerous domain names which includes the CARREFOUR mark, such as <carrefour.com>, which has been registered since 1995, <carrefour.fr> which has been since 2005, <pass-carrefour.com> which has been registered since 2019, and <carrefourmarket.fr> which has been registered since 2007.

The Domain Names were registered between November 19 and December 10, 2024, and each resolved to an inactive page or an error page.

## **5. Parties' Contentions**

### **A. Complainant**

Complainant contends that (i) the Domain Names are confusingly similar to Complainant's trademarks; (ii) Respondents have no rights or legitimate interests in the Domain Names; and (iii) Respondents registered and are using the Domain Names in bad faith.

In particular, Complainant contends that it has trademark registrations and rights for CARREFOUR and CARREFOUR MARKET and that Respondents registered and are using the Domain Names with the intention to confuse Internet users looking for bona fide and well-known CARREFOUR and CARREFOUR MARKET products and services.

Complainant notes that it has no affiliation with Respondents, nor authorized Respondents to register or use a domain name, which includes Complainant's trademarks, and that Respondents have no rights or legitimate interests in the registration and use of the Domain Names. Rather, Complainant contends that Respondents have acted in bad faith in acquiring and setting up the Domain Names, when Respondents clearly knew of Complainant's rights.

### **B. Respondents**

Respondents did not reply to Complainant's contentions.

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the Domain Names are identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Names; and
- (iii) the Domain Names were registered and are being used in bad faith.

Section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") states that failure to respond to the complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case Respondents have failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

### **6.1. Preliminary Issue: Consolidation**

Complainant requests consolidation of the nominally different Domain Name registrants into a single proceeding for the following reasons:

Complainant contends that Domain Names are under common ownership and/or control because the Domain Names were registered through the same Registrar, within a short time frame – between November 19 and December 10, 2024; share a similar naming pattern – combining Complainant's CARREFOUR and CARREFOUR MARKET trademarks with generally the same additional terms, separated by hyphens; the registrations of the Domain Names were all under new generic Top-Level Domain ("gTLDs"); none of the

Domain Names are associated with an active website, but instead resolve to the same standard landing page provided by the Registrar or to an error page; all the Registrants purportedly reside in Spain. In addition, Complainant contends that various contact details are shared by different Registrants, such as the city of residence, street address, telephone number, and email addresses.

The Domain Name registrants did not comment on Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing Complainant's request, the Panel will consider whether (i) the Domain Names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. Procedural efficiency would also underpin Panel consideration of such a consolidation scenario. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.2.

Panels have considered a range of factors, typically present in some combination, as useful to determining whether such consolidation is appropriate, such as similarities in or relevant aspects of (i) the registrants' identity(ies) including pseudonyms, (ii) the registrants' contact information including email address(es), postal address(es), or phone number(s), including any pattern of irregularities, (iii) relevant IP addresses, name servers, or webhost(s), (iv) the content or layout of websites corresponding to the disputed domain names, (v) the nature of the marks at issue (e.g., where a registrant targets a specific sector), (vi) any naming patterns in the disputed domain names (e.g., <mark-country> or <mark-goods>), (vii) the relevant language/scripts of the disputed domain names particularly where they are the same as the mark(s) at issue, (viii) any changes by the respondent relating to any of the above items following communications regarding the disputed domain name(s), (ix) any evidence of respondent affiliation with respect to the ability to control the disputed domain name(s), (x) any (prior) pattern of similar respondent behavior, or (xi) other arguments made by the complainant and/or disclosures by the respondent(s).

As regards to common control, the Panel notes the similar naming composition of the Domain Names, the use of the same Registrar, the registration date of the Domain Names all fall within a short period of time between November 19 and December 10, 2024, the Domain Names all resolve to the same standard landing page provided by the Registrar or to an error page, the registration of the Domain Names all being under new Top-Level Domain ("TLD"), and the similarity of contact details provided by Respondents. Further, Respondents have not contested Complainant's claims despite being invited to.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different Domain Name registrants (referred to hereinafter as "Respondent") in a single proceeding.

## **6.2. Substantive Issues**

### **A. Identical or Confusingly Similar**

Complainant has provided evidence of their rights in the CARREFOUR and CARREFOUR MARKET trademarks, as noted above. Complainant has therefore proven that it has the requisite rights in the CARREFOUR and CARREFOUR MARKET trademarks. Complainant has also submitted evidence which supports that the CARREFOUR and CARREFOUR MARKET trademarks are widely known and a distinctive identifier of Complainant's products and services.

With Complainant's rights in the CARREFOUR and CARREFOUR MARKET trademarks established, the remaining question under the first element of the Policy is whether the Domain Names, typically disregarding the TLD in which they were registered (in this case, are ".icu", ".site", ".website", ".shop", ".online", ".store", ".tech", and ".fun"), are identical or confusingly similar to Complainant's trademarks. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#).

Here, the Domain Names are confusingly similar to Complainant's CARREFOUR and CARREFOUR MARKET trademarks. These CARREFOUR and CARREFOUR MARKET trademarks are recognizable in the Domain Names.

In particular, the Domain Names' inclusion of Complainant's CARREFOUR and CARREFOUR MARKET trademarks in their entirety, in each case, with an addition of various terms such as "-group", "-group-es", "-group-sa", "-group-sl", "-market-sa (in the case of the CARREFOUR trademarks) and "-sa" (in the case of the CARREFOUR MARKET trademarks), does not prevent a finding of confusing similarity between each of the Domain Names and the CARREFOUR and CARREFOUR MARKET trademarks. See section 1.8 of the [WIPO Overview 3.0](#).

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

## **B. Rights or Legitimate Interests**

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its CARREFOUR and CARREFOUR MARKET trademarks and does not have any rights or legitimate interests in the Domain Names. Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use the CARREFOUR and CARREFOUR MARKET trademarks or to seek registration of any domain name incorporating these trademarks. Respondent is also not known to be associated with the CARREFOUR and CARREFOUR MARKET trademarks and there is no evidence showing that Respondent has been commonly known by the Domain Names.

In addition, Respondent has not used the Domain Names in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, at the time of filing of the Complaint, each Domain Name resolved to an inactive or error page. Such use does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use and cannot under the circumstances confer on Respondent any rights or legitimate interests in the Domain Name. See, e.g., *Intesa Sanpaolo S.p.A. v. Charles Duke / Oneandone Private Registration*, WIPO Case No. [D2013-0875](#).

Accordingly, Complainant has provided evidence supporting its prima facie claim that Respondent lacks any rights or legitimate interests in the Domain Names. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Names. Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Names and Complainant has met their burden under paragraph 4(a)(ii) of the Policy.

## **C. Registered and Used in Bad Faith**

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Names in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a respondent, namely:

“(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.”

The Panel finds that Complainant has provided ample evidence to show that registration and use of the CARREFOUR and CARREFOUR MARKET trademarks long predate the registration of the Domain Names. Complainant is also well established and known. Indeed, the record shows that Complainant's CARREFOUR and CARREFOUR MARKET trademarks and related products and services are widely known and recognized. Therefore, Respondent was aware of the CARREFOUR and CARREFOUR MARKET trademarks when it registered the Domain Names. See section 3.2.2 of the [WIPO Overview 3.0](#); see also *TTT Moneycorp Limited v. Privacy Gods / Privacy Gods Limited*, WIPO Case No. [D2016-1973](#).

Moreover, the Domain Names' inclusion of Complainant's trademarks CARREFOUR and CARREFOUR MARKET in their entirety, in each case, with an addition of various terms as noted above, further reflects the awareness that Respondent had of Complainant and its trademarks at the time of registration. Such adoption of Complainant's trademarks at the time of registration of the Domain Names illustrates Respondent's effort to mislead Internet users as to the Domain Names' association with Complainant.

The Panel therefore finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#); *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. [D2001-1070](#); and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#).

In the present circumstances, although each of the Domain Names is inactive, considering the distinctiveness and reputation of the CARREFOUR trademarks, the failure of Respondent to submit a response or to provide any evidence of actual or contemplated good faith use, and particularly noting the Domain Names clearly targeted Complainant in their deceptive composition, the Panel finds that the passive holding of the Domain Names does not prevent a finding of bad faith under the third element of paragraph 4(a) of the Policy. See section 3.3 of the [WIPO Overview 3.0](#).

Accordingly, the Panel finds that Respondent registered and is using the Domain Names in bad faith and Complainant succeeds under the third element of paragraph 4(a) 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 Domain Names <carrefour-group-es.icu>, <carrefour-group-es.online>,

<carrefour-group-es.shop>, <carrefour-group-es.site> , <carrefour-group-es.store>,  
<carrefour-group-es.tech> , <carrefour-group-es.website> , <carrefour-group.icu>, <carrefour-group-sa.fun>,  
<carrefour-group-sa.shop>, <carrefour-group-sa.site>, <carrefour-group-sa.store>, <carrefour-group.site>,  
<carrefour-group-sl.icu>, <carrefour-group-sl.shop>, <carrefour-group-sl.site>, <carrefour-group-sl.store>,  
<carrefour-group-sl.website>, <carrefour-group.website>, <carrefour-market-sa.shop>,  
<carrefour-market-sa.store>, and <carrefour-market-sa.website> be transferred to Complainant.

*/Kimberley Chen Nobles/*

**Kimberley Chen Nobles**

Sole Panelist

Date: January 22, 2025