

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. xu shuaiwei

Case No. D2024-5259

1. The Parties

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

The Respondent is xu shuaiwei, China.

2. The Domain Names and Registrar

The disputed domain names <carrefiur.com>, <carregour.com>, and <varrefour.com> are registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 20, 2024. On December 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 21, 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 (Whois Privacy/Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 24, 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 27, 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 January 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 31, 2024.

The Center appointed Nicolas Ulmer as the sole panelist in this matter on February 10, 2025. The Panel determines 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 major public company and retailer; it has in excess of EUR 80 billion in annual revenue and more than 12,000 stores in some 30 countries, including China. The Complainant is particularly well-known for its large supermarkets, dubbed “hypermarkets.”

The Complainant owns numerous trademarks for CARREFOUR, which is also its company and retail name; these trademarks include the following:

- International trademark CARREFOUR No. 351147, registered on October 2, 1968, renewed, and designating goods in international classes 1 to 34;
- International trademark CARREFOUR No. 353849, registered on February 28, 1969, renewed, and designating services in international classes 35 to 42; and
- European Union trademark CARREFOUR No. 5178371, registered on August 30, 2007, renewed, and designating goods and services in international classes 9, 35 and 38.

The Complainant is also the owner of numerous domain names that include its CARREFOUR trademark and company name, including <carrefour.com>, which was registered in 1995.

The three disputed domain names were all registered on December 3, 2024, and at the time of filing of the Complaint, resolved to pay-per-click (“PPC”) pages.

Little is known of the Respondent, who appears to be an individual residing in China.

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 names.

Notably, the Complainant contends: that all three of the disputed domain names are confusingly similar to its trademarks notwithstanding their slight, and likely deliberate, misspellings; that the Respondent has no right, legitimate interest or permission to use its trademarks; and that the disputed domain names can only have been registered in bad faith and for bad faith use. This bad faith use has included having the disputed domain names resolve to PPC links.

The Complainant requests that the disputed domain names be transferred to it.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complaint disputes three domain names which are substantially identical to the Complainant's CARREFOUR trademarks but for, in each case, the substitution of one letter. It is long established in UDRP jurisprudence that "a domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element" - WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), at section 1.9.

This is substantially the case here; the Respondent's deviations from the Complainant's well-known trademarks are analogous to typos and the disputed domain names remain confusingly similar to the Complainant's trademarks.

The Panel thus finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

The Complainant has here made clear and evidenced that it knows of no basis on which the Respondent would have rights or legitimate interests in its trademarks as used in the disputed domain names, or otherwise. It is furthermore obvious that the Respondent is not called by any of the three disputed domain names.

The Complainant in a UDRP procedure needs to establish at least a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. See *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#). Once such a prima facie case is made, the burden of production shifts to the Respondent to demonstrate that it has such rights or legitimate interests. See also, *Meizu Technology Co., Ltd v. "osama bin laden"*, WIPO Case No. [DCO2014-0002](#); *H & M Hennes & Mauritz AB v. Simon Maufe, Akinsaya Odunayo Emmanuel and Nelson Rivaldo*, WIPO Case No. [D2014-0225](#).

In the instant case, and as noted above, the Complainant has clearly asserted and explained that there appears no basis to for the Respondent to have any legitimate interests or rights in the disputed domain names, establishing such a prima facie case.

There is furthermore no evidence or indicia before the Panel to suggest that the Respondent has any rights in the disputed domain name.

The Panel therefore concludes that the Complainant has met its burden under the second element of the Policy.

C. Registered and Used in Bad Faith

The Complainant has here established that its trademark is very well-known and benefits from huge name recognition and significant goodwill. In such circumstances it is more than implausible that the Respondent simultaneously registered the three disputed domain names, each with a slight misspelling of the Complainant's trademark, by serendipity. Rather, the registrations can only have been made in bad faith, and for bad faith purposes, with awareness of the Complainant's long prior trademarks. Accord, *Carrrefour SA v. Youssefgcxb Elachourix*, WIPO Case No. [D2024-0840](#).

Furthermore, the Complainant submits evidence that the disputed domain names resolve to PPC commercial links; thus making use of the disputed domain names, and the Complainant's reputation and renown for improper commercial gain.

The Panel thus 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 names <carrefiur.com>, <carregour.com> and <varrefour.com> be transferred to the Complainant.

/Nicolas Ulmer/

Nicolas Ulmer

Sole Panelist

Date: February 19, 2025