

## **ADMINISTRATIVE PANEL DECISION**

Carrefour SA v. radar amnesty  
Case No. D2025-0150

### **1. The Parties**

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

The Respondent is radar amnesty, Thailand.

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

The disputed domain name <carrefour-web.com> is registered with Sav.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 15, 2025. On January 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 15, 2025, 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 January 23, 2025, 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 January 23, 2025.

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 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 17, 2025.

The Center appointed Elizabeth Ann Morgan as the sole panelist in this matter on February 19, 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 Carrefour SA. The Complainant is a worldwide leader in retail and a pioneer of the concept of hypermarkets back in 1968. With a turnaround of 76 billion euros 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 without a doubt a major and well-known worldwide leader in retail. The Complainant additionally offers travel, banking, insurance, or ticketing services. To that effect, the Complainant owns hundreds of trademark rights worldwide (Annex 3). In particular, the Complainant is the owner of the following trademarks registered well before the registration of the disputed domain name:

“EU” trademark CARREFOUR No. 008779498, registered on July 13, 2010, duly renewed, and designating goods in international class 35; (Annex 4)

“International” trademark CARREFOUR No. 563304, registered on 1990-11-06, duly renewed, and designating goods in international class 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42; (Annex 5)

“French” trademark CARREFOUR No. 1565338, registered on May 25, 1990, duly renewed, and designating goods in international class 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34; (Annex 6)

“USA” trademark CARREFOUR No. 6763415, registered on June 21, 2022, duly renewed, and designating goods in international class 35; (Annex 7)

The Complainant submits that the earlier trademarks CARREFOUR enjoy a wide-spread continuous reputation.

The Complainant also owns numerous domain names integrating “CARREFOUR” such as:

Domain Name	Market	Registration Date	Annex
<carrefour.com>	World	1995-10-25	11
<carrefour.fr>	France	2005-06-23	20

The Complainant uses all these domain names, amongst many others in order to develop its brand and promote its products and services.

The disputed domain name is carrefour-web.com, registered on December 12, 2024.

The Respondent in these administrative proceedings is “radar amnesty” as disclosed by the Registrar.

## 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.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's trademark CARREFOUR and that the Respondent should be considered as having no rights or legitimate interests in respect of the domain name that is the subject of the Complaint. The Complainant asserts that the Respondent has never been authorized by the Complainant to use the trademark CARREFOUR in any manner. The Complainant never gave consent for the registration of the disputed domain name, neither in an explicit nor an implicit way. The Respondent is not a partner, distributor or licensee of the Complainant, and there is no contractual or commercial relationship between the Complainant and the Respondent which could eventually legitimate the registration and use of the disputed domain name by the Respondent.

The Complainant asserts it performed searches and found no CARREFOUR trademark owned by the Respondent. (Annex 14). From this finding, the Complainant asserts that the Respondent has acquired no trademark in the names CARREFOUR which could have granted the Respondent rights in the disputed domain name.

Furthermore, the Complainant asserts it has found no evidence whatsoever that the Respondent is known by the disputed domain name. There is no evidence that the Respondent has been commonly known by the disputed domain name as an individual, business, or other organization. This statement is reinforced by the fact that the Complainant has filed the present Complaint soon after the registration of the disputed domain name, intending to not allow the Respondent to be commonly known by the disputed domain name.

The Complainant also puts forth that the Respondent has not, before the original filing of the Complaint, used or made preparations to use the disputed domain name in relation to a bona fide offering of goods or services. On the contrary, the disputed domain name resolves to an error page (Annex 15). This lack of content, indicating the absence of good faith offering of goods or services (bona fide offering), does not allow to witness any legitimate interest of the Respondent in the use of the disputed domain name.

Additionally, the Complainant contends that the disputed domain name has been registered and is being used in bad faith, for the following reasons:

The Complainant submits that its trademarks are intensively used in numerous countries worldwide, such as France, Spain, Italia and Brazil for instance. The Complainant enjoys a solid notoriety in these countries, the first CARREFOUR trademark being registered in 1968. This geographic presence and implantation, as well as the establishment of the reputation of the Complainant did require important investments. Regarding that, it is very likely that the Respondent knew the trademark CARREFOUR at the time of registration of the disputed domain name. Then, it is possible to interpret the choice of the terms "CARREFOUR" in the composition of the disputed domain name as a way to benefit from the Complainant's reputation. And this by suggesting an affiliation with the Complainant's trademark, and by doing so mislead Internet users.

Moreover, a simple search on an online search engine shows results only related to the Complainant. The Complainant submits that Annex 16 to the Complaint shows search results for "CARREFOUR" on Microsoft Edge search engine (Microsoft Bing). All results relate to the Complainant. The Complainant's CARREFOUR trademark registrations predate the registration date of the disputed domain name.

The Respondent registered the disputed domain name on December 12, 2024, several years after the registration of the trademark CARREFOUR, well-known worldwide. The Complainant contends it is nearly impossible, regarding the composition and the complexity of the disputed domain name (13 symbols) that the similarity with the trademark is a coincidence. Therefore, it is very likely, regarding the anteriority of the

trademark, but also its complexity and length, that the registration of the disputed domain name, which highly similar to the Complainant's trademark, was made by the Respondent with the Complainant's trademark in mind. The Complainant asserts it is likely that the Respondent registered the disputed domain name in order to resell it to the Complainant later, or to prevent the Complainant from using it, which would be another evidence of bad faith registration.

The Complainant also asserts that the Respondent is using the disputed domain name in bad faith for the following reasons:

Since the registration, the disputed domain name has been inactive on the web, only resolving to an error page (Annex 15). Even the inactivity can be qualified of bad faith use, particularly when the disputed domain name is identical to an anterior trademark. Here, the inactivity, in addition to the lack of legitimate use, could suggest the intention by the Respondent to take profit from the trademark CARREFOUR, or an intention to harm.

Further, by reproducing the Complainant's trademark in the disputed domain name, the Respondent strengthens the impression that he or she is affiliated with the Complainant. This strategy of confusion, that could make Internet users wrongly believe that they are visiting an official website of the Complainant, or affiliated to the Complainant, is a typical example of bad faith use in cybersquatting cases. The Complainant asserts the use of the disputed domain name for the Website's URL suggests an intention by the Respondent to take profit from the trademark CARREFOUR's reputation, by redirecting Internet users to his website.

Regarding the notoriety of the trademark CARREFOUR, and the number of trademark rights owned by the Complainant, it is hard to imagine that the Respondent could use this disputed domain name in good faith in the future. Each attempt to use the disputed domain name for commercial or non-commercial activities would necessarily be seen as an illegitimate exploitation of the notoriety of the trademark CARREFOUR. Thus, any attempt to use the disputed domain name would constitute bad faith usage. Since the Respondent has no legitimate reasons to use the trademark CARREFOUR in the context of a commercial activity, the fact that the Respondent's website has been, and is still inactive, strengthens the assumption that the Respondent registered and is using the disputed domain name in order to disturb the Complainant's activities or to resell it. Although the disputed domain name is not actively used on the web, the Complainant contends that the nonuse of a domain name does not prevent a finding of bad faith under the doctrine of passive holding.

## **B. Respondent**

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

## **5. Discussion and Findings**

As noted above, the Respondent did not respond to the Complainant's allegations. Under the Rules, paragraphs 5(f) and 14(a), the effect of a default by the Respondent is that, in the absence of exceptional circumstances, the Panel shall proceed to a decision on the basis of the Complaint. The Panel does not find any exceptional circumstance in this case.

Paragraph 4(a) of the Policy provides that in order to divest a respondent of a domain name, a complainant must demonstrate each of the following:

- (i) The domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) The respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) The domain name has been registered and is being used in bad faith.

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”

In this case, the Panel finds that as a result of the default, the Respondent has failed to rebut any of the reasonable factual assertions that are made and supported by evidence submitted by the Complainant. By defaulting and failing to respond, the Respondent has failed to offer the Panel any of the types of evidence set forth in paragraph 4(c) of the Policy or otherwise, from which the Panel might conclude that the Respondent has any rights or legitimate interests in the disputed domain name.

Moreover, the Respondent failed to provide any information or reasoning that might rebut the Complainant’s arguments that the Respondent has acted in bad faith.

#### **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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical as well as confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here “web” may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds 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 Panel finds 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 notes that Since the registration, the disputed domain name has been inactive on the web, only resolving to an error page (Annex 15). Even the inactivity can be qualified of bad faith use, particularly when the disputed domain name is identical to an anterior trademark. Here, the inactivity, in addition to the lack of legitimate use, could suggest the intention by the Respondent to take profit from the trademark CARREFOUR, or an intention to harm. Further, by reproducing the Complainant's trademark in the disputed domain name, the Respondent strengthens the impression that he or she is affiliated with the Complainant.

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, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

### **6. 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-web.com> be transferred to the Complainant.

*/Elizabeth Ann Morgan/*

**Elizabeth Ann Morgan**

Sole Panelist

Date: March 5, 2025