

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Fulham Fulham, NIL
Case No. D2025-0151

1. The Parties

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

The Respondent is Fulham Fulham, NIL, Thailand.

2. The Domain Name and Registrar

The disputed domain name <carrefoursnsap.net> (the “Disputed Domain Name”) is registered with Gname.com Pte. Ltd. (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 16, 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 16, 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 16, 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 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 12, 2025.

The Center appointed Flip Jan Claude Petillion as the sole panelist in this matter on February 18, 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 French retail company. With a turnover of EUR 76 billion in 2018, the Complainant is listed on the Paris Stock Exchange index in France. The Complainant operates 12.000 stores in more than 30 countries around the world and has over 384.000 employees.

The Complainant is the owner of several trademarks, including the following:

- CARREFOUR, international trademark No. 563304 registered on November 6, 1990, covering products and services in classes 1 to 42;

The Complainant is also the owner of several domain names pointing to its official websites, including the following:

- <carrefour.fr>;
- <carrefour.com>.

The Disputed Domain Name was registered on December 19, 2024. According to the Complainant's evidence, the Disputed Domain Name did not appear to resolve to an active web page. The Disputed Domain Name currently resolves to a warning page ("Deceptive Website Warning" or "Dangerous Website" depending on the browser used).

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 a trademark in which it claims to have rights. The Complainant claims the word "snsap" is most likely a misspelling of "snap". The Complainant uses the social network "Snapchat" (often referred to as "Snap") to promote its products and services. Moreover, the term "snap" can also raise the idea of swiftness and efficiency, and because of that is used by the Complainant and many other retailers for advertising and promoting.

The Complainant further claims that the Respondent has no legitimate interests in respect of the Disputed Domain Name as:

- the Respondent has never been authorized by the Complainant to use the trademark CARREFOUR in any manner;
- the Respondent has acquired no trademark in the name CARREFOUR which could have granted the Respondent rights in the Disputed Domain Name;
- there is no evidence that the Respondent has been commonly known by the Disputed Domain Name;
- 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;
- the Respondent has no rights or legitimate interests in the use of the Disputed Domain Name.

Finally, the Complainant claims that the Disputed Domain Name was registered and is being used in bad faith. According to the Complainant:

- it is very likely that the Respondent was aware of the Complainant and its trademark CARREFOUR at the time of registration of the Disputed Domain Name;
- 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;
- 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;
- in view of 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 the Disputed Domain Name in good faith in the future;
- the Respondent likely registered and is using the Disputed Domain Name in order to disturb the Complainant's activities or to resell it;
- 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.

6. Discussion and Findings

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.

Based on the available record, the Panel finds 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 Panel observes that the entirety of the CARREFOUR mark is reproduced within the Disputed Domain Name. In such cases, the domain name will normally be considered confusingly similar to the incorporated mark for purposes of UDRP standing. [WIPO Overview 3.0](#), section 1.7.

Additionally, the Panel finds that the addition of another term – here, "snsap" – 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.

It is well established that generic Top-Level-Domains ("gTLDs"), here ".net", may be disregarded when considering whether the Disputed Domain Name is confusingly similar to a trademark in which the Complainant has rights.

Based on the available record, 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 notes that the Respondent has not apparently been commonly known by the Disputed Domain Name. According to the information provided by the Registrar, the Respondent is “Fulham Fulham”. The Respondent’s use and registration of the Disputed Domain Name was not authorized by the Complainant.

The Disputed Domain Name incorporates the Complainant’s CARREFOUR trademark in its entirety and merely adds the term “snsap”. In the Complainant’s view, the term “snsap” is likely a misspelling of “snap”. The Panel finds it more plausible that it refers to the software company SAP and its widely used enterprise resource planning (ERP) software. The letters “sn” could be considered as the abbreviation of “serial number”, as serial numbers are used in the SAP system to track a company’s products and items. In any event, the Panel finds that both interpretations of the term “snsap” combined with the Complainant’s mark are problematic in this case. In the Panel’s view, the Disputed Domain Name cannot constitute fair use.

Beyond looking at the domain name and the nature of any additional terms appended to it, UDRP panels assess whether the overall facts and circumstances of the case, and the absence of a response, support a fair use or not. [WIPO Overview 3.0](#), sections 2.5.2 and 2.5.3.

According to the Complainant’s evidence, the Disputed Domain Name did not appear to resolve to an active web page, and it currently resolves to a warning page (“Deceptive Website Warning” or “Dangerous Website” depending on the browser used). In the Panel’s view, this does not amount to any legitimate noncommercial or fair use or use in connection with a bona fide offering of goods and services either.

The Respondent had the opportunity to demonstrate his rights or legitimate interests but did not do so. In the absence of a Response from the Respondent, the prima facie case established by the Complainant has not been rebutted.

Based on the available record, 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.

The Panel finds that the following circumstances serve as indication of bad faith registration and use:

- the Disputed Domain Name incorporates the Complainant’s trademark in its entirety, and combines it with a term which is unclear and/or can be interpreted in different ways;
- the Complainant provided evidence of the CARREFOUR mark’s reputation;

- some of the Complainant's trademarks predate the registration of the Disputed Domain Name by more than 30 years;
- the Respondent did not take part in the administrative proceedings.

The non-use of the Disputed Domain Name does not prevent a finding of bad faith under the doctrine of passive holding. It is unclear to the Panel whether the Disputed Domain Name is still passively held. In any event, the Panel finds that the current state of the Disputed Domain Name resolving to a warning page is an additional indication of bad faith.

Based on the available record, the Panel 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 Name <carrefoursnsap.net> be transferred to the Complainant.

/Flip Jan Claude Petillion/

Flip Jan Claude Petillion

Sole Panelist

Date: March 5, 2025