

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. HELIO BUDISKI

Case No. D2025-0173

1. The Parties

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

The Respondent is HELIO BUDISKI, Brazil.

2. The Domain Name and Registrar

The disputed domain name <carrefourcartao.online> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 16, 2025. On January 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 20, 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 (Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 20, 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 20, 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 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 12, 2025.

The Center appointed Martin Michaus Romero 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:

1. Is one of the worldwide leaders in retail and a pioneer of the concept of hypermarkets back in 1968. With a revenue of EUR 83 billion in 2022.
2. Is listed on the index of the Paris Stock Exchange (CAC 40) and operates more than 12,000 stores in more than 30 countries.
3. It has more than 384,000 employees worldwide and 1.3 million unique visitors in its stores daily.
4. Is the owner of several hundred trademarks worldwide in the “CARREFOUR” term.
5. In particular is the owner of the following trademarks registered well before the registration of the disputed domain name:

International Trademark CARREFOUR No. 351147, registered on October 2, 1968, duly renewed, and designating goods in international classes 1 to 34.

International Trademark CARREFOUR No. 353849, registered on February 28, 1969, duly renewed, and designating services in international classes 35 to 42.

European Union Intellectual Property Office (“EUIPO”) trademark CARREFOUR No. 5178371, registered on August 30, 2007, duly renewed, and designating goods and services in international classes 9,35 and 38.

Brazil trademark CARREFOUR No. 6314210, registered on May 10 1976, duly renewed and designating services in class 38.

6. Directly or through its subsidiaries is also the owner of numerous domain names identical to, or comprising, its trademarks, both with generic and country-code Top-Level Domains, registered before the registration of the disputed domain name. Such as <carrefour.com>, <carrefour.fr>, <carrefourmarket.fr>, <grupocarrefourbrasil.com.br> and <grupocarrefour.com.br>.

The dispute domain name was registered on January 3, 2025. The disputed domain name currently does not resolve to any active page. The Complainant has submitted evidence showing that previously the disputed domain name resolved to a webpage titled “Carrefour Soluções Financeiras” containing a log-in form and featuring images of credit cards bearing the Complainant’s CARREFOUR trademark and logo.

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.

The Complainant stated that:

- a) The disputed domain name is confusingly similar to its trademarks, since it contains the mark CARREFOUR entirely.
- b) It has not licensed or otherwise permitted the Respondent to use CARREFOUR trademark or any variations or combinations thereof, or to register or use any domain incorporating its trademark, any variations or combination thereof.
- c) The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. Even though it currently resolves to an error page, there is evidence that the Respondent has actively tried to impersonate the Complainant, misleading Internet users into believing that the disputed domain name and its content was operated by, authorized by, or affiliated with, the Complainant.
- d) The Respondent is not commonly known by the disputed domain name.
- e) The disputed domain name, was registered on January 3, 2025, and International Trademark CARREFOUR was first registered on October 2, 1968.

B. Respondent

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

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities that

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights:
- (ii) the respondent has no rights or legitimate interests in the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used 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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other term “cartao” 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 Complainant performed trademark searches and found no “CARREFOUR” (or term similar thereof) trademark owned by the Respondent. The Respondent reproduces the CARREFOUR trademark entirely in the disputed domain name together with the term “cartao” (a Portuguese term for “card”) that suggests a connection to the Complainant’s sales efforts and/or financial activities. Furthermore, the Respondent is not using the disputed domain name for a bona fide offering of goods or services, nor is making a legitimate noncommercial or fair use that might give rise to rights or legitimate interests in the disputed domain name.

Panels have held that the use of a domain name for illegal activity, such as impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 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.

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.

In the present case, the Panel notes that:

- A) The Respondent was aware of the existence of the Complainant and its activity.
- B) The disputed domain name is confusingly similar to the well-known trademark CARREFOUR.
- C) The Complainant's CARREFOUR trademark and domain names predate the registration of the disputed domain name.

Panels have held that the use of a domain name for illegal activity here, claimed as impersonation/passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The current non-use of the disputed 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 record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <carrefourcartao.online> be transferred to the Complainant .

/Martin Michaus- Romero/

Martin Michaus- Romero

Sole Panelist

Date: March 3, 2025