

ADMINISTRATIVE PANEL DECISION

Carrefour SA and Atacadão - Distribuição, Comércio E Indústria LTDA. v. 任
艺伟 (Yi Wei Ren)

Case No. D2025-0236

1. The Parties

The Complainants are Carrefour SA, France (the “First Complainant”), and Atacadão - Distribuição, Comércio E Indústria LTDA., Brazil (the “Second Complainant”), represented by IP Twins, France.

The Respondent is 任艺伟 (Yi Wei Ren), China.

2. The Domain Name and Registrar

The disputed domain name <atacadoo.xyz> is registered with Chengdu West Dimension Digital Technology Co., Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on January 22, 2025. On January 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 23, 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 Complainants on January 23, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint in English on January 31, 2025.

On January 23, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On January 31, 2025, the Complainants requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainants’ submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on February 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 24, 2025.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on February 27, 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 Complainants are Carrefour SA and Atacadão - Distribuição, Comércio E Indústria LTDA. The First Complainant is a leader in retail and a pioneer of the concept of hypermarkets back in 1968. With a turnaround of EUR 76 billion in 2018, the First Complainant is listed on the index of the Paris Stock Exchange (CAC 40). The First 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 First Complainant is a major and well-known retail company. The First Complainant additionally offers travel, banking, insurance, or ticketing services. The Second Complainant is a Brazilian chain of warehouse stores established in 1960. In 2007, it was bought by the First Complainant. In 2022, the Second Complainant has over 250 stores and distribution centers in all Brazilian states.

The Complainants own an international trademark portfolio for the mark ATACADAO, including, but not limited to the following trademark registrations: European Union Trademark Registration ATACADAO No. 012020194, registered on May 24, 2015, and designating services in class 35; Brazilian Trademark Registration ATACADÃO No. 006785344, registered on October 10, 1978, duly renewed, and designating goods in class 31; and Brazilian Trademark Registration ATACADAO No. 006937497, registered on May 25, 1979, duly renewed, and designating services in class 35.

The disputed domain name was registered on December 7, 2024, and directs to an active, parked page on the GoDaddy domain name resales platform, offering the disputed domain name for sale for a listed "Buy now" price of USD 1,450 or a listed "Lease to own" price of USD 99.69 per month.

The Respondent is 任艺伟 (Yi Wei Ren), based in China.

5. Parties' Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that the disputed domain name is identical to their prior registered trademark. The Complainants also contend that the Respondent has no rights or legitimate interests in respect of the disputed domain name, is not commonly known by the disputed domain name and that he or she is not licensed, connected, or related in any way with the Complainants. Furthermore, the Complainants argue that the disputed domain name points to a parking page where the disputed domain name is offered for sale for USD 1,450, which the Complainants contend constitutes a general offer to sell the disputed domain name for an amount clearly in excess of the out-of-pocket expenses related to the disputed domain name. The Complainants argue that this proves the Respondent's lack of rights or legitimate interests as well as the Respondent's bad faith. The Complainants also contend that given the well-known nature and distinctiveness of their trademark, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainants' trademarks and that such registration therefore constitutes a registration in bad faith.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

6.1 First Preliminary Issue: Consolidation of the Complainants

The Complaint was filed in the name of multiple Complainants. Concerning consolidation, the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") states in section 4.11.1: "In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation."

The Panel has carefully reviewed all elements of this case, giving particular weight to the following elements: all Complainants are related companies, with the First Complainant having acquired the Second Complainant in 2007. Both Complainants therefore have a common grievance based on trademark-abusive domain name registration and use against the Respondent. As such, the Panel concludes that all Complainants are the target of common conduct by the Respondent and have common grievances regarding the use of their trademarks in the disputed domain name by the Respondent. The Panel accepts that permitting the consolidation would be fair and equitable to all Parties involved and would safeguard procedural efficiency. The Panel therefore allows the consolidation of the Complainants and shall hereafter refer to the Complainants jointly as "the Complainant".

6.2 Second Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint and Amended Complaint were filed in English. The Complainant requests that the language of the proceeding be English for several reasons, including that the First Complainant, being a French entity, is not able to communicate in Chinese and that the Complainant is not in a position to conduct this proceeding in Chinese without a great deal of additional expense and delay due to the need for translation of the Complaint.

The Respondent did not make any submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see [WIPO Overview 3.0](#), section 4.5.1).

Having considered all the matters above, and particularly also the fact that the disputed domain name directs to a website in English, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.3 Substantive Issues: Three Elements

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 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 to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 also notes that there are no elements in this case that point to the Respondent having made any reasonable and demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services. According to the evidence, the Respondent has only connected the disputed domain name to a parked page on the GoDaddy domain name resales platform, offering it for sale for a "Buy now" price of USD 1,450 or a "Lease to own" price of USD 99.69 per month, which is most likely in excess of out-of-pocket costs relating to the disputed domain name.

Moreover, the disputed domain name, being identical to the Complainant's mark, carries a high risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

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, 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 firstly accepts that the Complainant's ATACADAO marks are well known, as has been recognized earlier by multiple panels applying the Policy, see for instance: *Carrefour S.A., Atacadão S.A. v. Gabriel Silva*, WIPO Case No. [D2023-4424](#); *Carrefour SA, Atacadão S.A. v. Luiz lima Da silva*, WIPO Case No. [D2023-4209](#); *Carrefour SA and Atacadão S.A. v. atacado varejo*, WIPO Case No. [D2023-3011](#); *Carrefour SA, and Atacadão - Distribuição, Comércio E Indústria LTDA. v. Lohan Medina*, WIPO Case No. [D2023-1900](#); and *Carrefour SA, Atacadão S.A. v. Joao Pedro Rodrigues*, WIPO Case No. [D2023-2980](#). The Panel notes that registration of the disputed domain name, which is identical to the Complainant's well-known and intensively used trademarks that have been registered decades before the registration date of the disputed domain name, by the Respondent, who is entirely unaffiliated with the Complainant, creates by itself a presumption of bad faith of the Respondent (see in this regard *Alain Afflelou Franchiseur v. Lihongbo, Lihongbo*, WIPO Case No. [D2020-2075](#), and [WIPO Overview 3.0](#), section 3.1.4). The Panel also notes that even a cursory Internet search at the time of the registration of the disputed domain name would have made it clear to the Respondent that the Complainant owns prior rights in its trademarks for ATACADAO. Based on the available record, the Panel accepts that the Respondent has registered the disputed domain name in bad faith.

As to use of the disputed domain name in bad faith, the evidence of use of the website linked to the disputed domain name demonstrates that the Respondent is attempting to sell the disputed domain name for an amount most likely in excess of the Respondent's out-of-pocket costs related to the disputed domain name, i.e., a "Buy now" price of USD 1,450 or a "Lease to own" price of USD 99.69 per month. This leads the Panel to conclude, on balance of the probabilities, that the Respondent is using the disputed domain name to try to sell it to the Complainant, who is the owner of the corresponding trademark for ATACADAO, or to other parties and to obtain financial benefits through such sale. The Panel notes that this constitutes direct evidence of bad faith of the Respondent under paragraph 4(b)(i) of 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 <atacaao.xyz> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: March 10, 2025