

ADMINISTRATIVE PANEL DECISION

Carrefour SA, Atacadão - Distribuição, Comércio E Indústria LTDA v. Thiago Signorelli

Case No. D2025-0265

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 Thiago Signorelli, Brazil.

2. The Domain Names and Registrars

The disputed domain name <atacadaoweb.com> is registered with SRS AB.

The disputed domain name <atacadaoweb.shop> is registered with Hostinger Operations, UAB (collectively the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 23, 2025. On January 23, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On January 24 and 30, 2025, the Registrars transmitted by email to the Center their verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Shield Whois, and Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint.

The Center sent an email communication to the Complainants on January 30, 2025, with the registrant and contact information revealed by the Registrars, and inviting the Complainant to submit an amendment to the Complaint.. The Complainants filed an amended Complaint on February 3, 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 February 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 25, 2025.

The Center appointed Alvaro Loureiro Oliveira as the sole panelist in this matter on March 4, 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 first Complainant is the French company Carrefour SA, a leader in retail in the world, specialized in hypermarkets. This Complainant operates over 12,000 stores in more than 30 countries worldwide, with 384,000 employees and over 1.3 million daily visitors. This Complainant additionally offers travel, banking, insurance or ticketing services.

The second Complainant is the Brazilian company Atacadão - Distribuição, Comércio E Indústria LTDA., which is a Brazilian chain of warehouse stores established in 1960.

The first Complainant, Carrefour SA, is the owner of the second Complainant, Atacadão – Distribuição, Comércio E Indústria LTDA. Specifically, the second Complainant was bought by the first Complainant in 2007. In 2022, the second Complainant had over 250 stores and distribution centers in all Brazilian states.

The Complainants are the owners of several trademark registrations comprising the word element "Atacadao", including, but not limited to, the European Union Trademark registration for ATACADAO (word mark), with registration no. 012020194, registered on May 24, 2015, for services in class 35; and the Brazilian trademark registration for ATACADÃO (word mark), with registration no. 006785344, registered on October 10, 1978, for goods in class 31 (together and singular also referred to as the "Trademark").

The disputed domain names were both registered on December 1, 2024, and resolve to the same parking page.

5. Parties' Contentions

A. Complainants

The Complainants state that the disputed domain names are confusingly similar to the Trademark – in fact, the disputed domain names include the Trademark in its entirety, followed by the term "web". The addition of a term or terms to a trademark, regardless of the nature of the added material, does not impact the assessment of confusing similarity.

The Respondent has no rights nor legitimate interests in the disputed domain names, whereas the Respondent has not acquired any trademark rights with respect to the disputed domain names. As stated by the documents presented, the registration and use of the trademark ATACADAO predates the registration of the disputed domain names by decades.

Moreover, the Respondent is not commonly known by the disputed domain names. The Respondent has also not secured a license nor any other authorization from the Complainants to use the Trademark. Lastly, the disputed domain names do not direct to an active website, but to a parking page.

In sum, the Complainants allege that it is clear that the Respondent has no rights or legitimate interests in the disputed domain names, and that the disputed domain names were registered and are being used in bad faith.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

The Policy, in its paragraph 4(a), determines that three elements must be present and duly proven by a complainant to obtain relief. These elements are:

- i. the disputed domain names are identical or confusingly similar to a trademark or service mark in which the complainants have rights; and
- ii. the respondent has no rights or legitimate interests in respect to the disputed domain names; and
- iii. the disputed domain names have been registered and are being used in bad faith.

A. Identical or Confusingly Similar

The Complainants have presented evidence of ownership of the trademark ATACADAO in several jurisdictions. The Panel finds that the Complainants have rights in the ATACADAO trademark.

The disputed domain names are confusingly similar to the Complainants' ATACADAO trademark, as the latter is entirely incorporated in the disputed domain names, with the mere addition of the term "web".

The incorporation of the Trademark with the addition of the term "web" in the disputed domain names does not prevent a finding of confusing similarity with the Trademark.

The Trademark is clearly recognizable within the disputed domain names and as set out in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8, the addition of other terms would not prevent a finding that a disputed domain name is confusingly similar to the relevant mark for purposes of the first element.

Lastly, the Panel notes that, in accordance with section 1.11.1 of the [WIPO Overview 3.0](#), the generic Top-Level Domains ("gTLDs") ".com" and "shop" are in principle disregarded under the first element.

Given the above, the Panel concludes that the disputed domain names are confusingly similar to the registered trademark of the Complainants.

B. Rights or Legitimate Interests

The Panel notes that the trademark ATACADAO is widely known as identifying the Complainants' activities, and that the Complainants have not licensed it to the Respondent.

Furthermore, the Respondent does not appear to be commonly known by the disputed domain names.

It has also been shown that the Respondent is not making any active use of the disputed domain names, noting the disputed domain names resolve to the Registrar's parked page. Ultimately, the Respondent is not making a noncommercial or fair use of the disputed domain names, nor a bona fide offering of goods or services.

The Panel finds that the Complainants have established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain names, and the burden of production of evidence shifts to the Respondent. In the absence of a Response, the Respondent has not rebutted such prima facie case.

The Panel, thus, finds that the Complainants have established the second element of the Policy.

C. Registered and Used in Bad Faith

The Complainants have registered and used the Trademark for decades. The Panel finds that the Respondent has probably registered the disputed domain names with the purpose of taking unfair advantage of the Complainants' Trademark.

The disputed domain names reproduce the Complainants' trademark ATACADAO in its entirety, with the addition of the term "web", which does not grant any particular distinctive characteristic to the disputed domain names.

The composition of the disputed domain names points towards the Respondent's likely intent to give the impression that the disputed domain names are associated with the Complainants. See [WIPO Overview 3.0](#), section 3.1.4. In the absence of any reasonable explanation for the selection of the disputed domain names by the Respondent, and in the circumstances of this case, the Panel finds that it is more likely than not that the disputed domain names have been registered to take unfair advantage of the Trademark owned by the Complainants.

The passive holding of the disputed domain names does not prevent a finding of bad faith from the Respondent. Previous UDRP panels have found that the lack of so-called active use of a disputed domain name does not prevent a finding of bad faith. See, e.g., *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); see also *Redcats S.A. And La Redoute S.A. v. Tumay Asena*, WIPO Case No. [D2001-0859](#); and *DCI S.A. v. Link Commercial Corporation*, WIPO Case No. [D2000-1232](#). Here, the Panel notes the distinctive and well-known nature of the Complainants' trademark ATACADAO, the composition of the disputed domain names, and the failure of the Respondent to submit a Response, and finds that the passive holding of the disputed domain names does not prevent a finding of bad faith.

In the totality of the circumstances, the Panel finds the Respondent has registered and is using the disputed domain names in bad faith.

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 <atacadaoweb.com> and <atacadaoweb.shop> be transferred to the Complainants.

/Alvaro Loureiro Oliveira/

Alvaro Loureiro Oliveira

Sole Panelist

Date: March 18, 2025