

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Clarice Padilha
Case No. D2025-0326

1. The Parties

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

The Respondent is Clarice Padilha, Brazil.

2. The Domain Name and Registrar

The disputed domain name <carrefourpromo.store> 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 28, 2025. On January 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 29, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 29, 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 29, 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 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 20, 2025.

The Center appointed Martin Michaus Romero as the sole panelist in this matter on February 24, 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:

A.- Is a worldwide leader in retail and pioneer of the concept of hypermarkets back in 1968. With a turnaround of 76 billion euros in 2018.

B.- Is listed in the index of the Paris Stock Exchange (CAC 40) and operates in more than 12000 stores in more than 30 countries.

C.- Has more than 384,000 employees worldwide and 1.3 million unique visitors in its stores daily.

D.- Is without a doubt a major and well-known worldwide leader in retail and additionally offers travel banking, insurance, or ticketing services.

E.- Is the owner of several hundred trademarks rights worldwide in the CARREFOUR term.

F.- In particular is the owner of the following trademarks registered well before the registration of the disputed domain name:

European Union trademark CARREFOUR No 008779498, registered on July 13, 2010, duly renewed, and designating good in international class 35.

International trademark CARREFOUR No 563304, registered on November 6, 1990, duly renewed and designating goods in international class 1 to 42.

French trademark CARREFOUR No 1565338, registered on May 25, 1990, duly renewed, and designating services international classes 1 to 34.

United States trademark CARREFOUR No 673415, registered on June 6, 2022, duly renewed, and designating goods and services in international class 35.

G.- Also owns numerous domain names integrating "CARREFOUR" such as:

<carrefour.com> registered on October 25, 1995.

<carrefour.fr.> registered on June 23, 2006.

H.-The disputed domain name was registered on December 26, 2024. At the time the Complaint was filed, the disputed domain name displayed the Registrar's parking page.

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 trademark CARREFOUR, entirely. It is also confusingly similar to its domain names, registered before the disputed domain name.
- b) 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 name 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. It is used for commercial purposes, to cause confusion and deceive consumers who may access the disputed domain name.
- d) The Respondent is not commonly known by the disputed domain name.
- e) The disputed domain name was registered on December 26, 2024.

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.

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.

The Panel finds the mark is recognizable 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.

The addition of the term "promo" (shortened French term meaning "discount") does not prevent a finding of confusing similarity between the disputed domain name and the CARREFOUR trademark, since the trademark CARREFOUR is recognizable in the disputed domain name. Sections 1.7 and 1.8 of the [WIPO Overview 3.0](#).

Moreover, the addition of the first level term ". store" should not be taken into consideration when evaluating the risk of confusing similarity. It is generally disregarded when comparing a trademark with a disputed domain name for the purposes of the first element, as set out in section 1.11.1 of the [WIPO Overview 3.0](#).

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. 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 or legitimate interests in the disputed domain name.

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.

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.
- D.- The disputed domain name has been inactive on the web, only resolving to a Registrar by default parking page.

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.

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 <carrefourpromo.store> be transferred to the Complainant.

/Martin Michaus- Romero/

Martin Michaus- Romero

Sole Panelist

Date: March 4, 2025