

## **ADMINISTRATIVE PANEL DECISION**

Carrefour SA. v. Arthur Adler  
Case No. D2025-0327

### **1. The Parties**

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

The Respondent is Arthur Adler, France.

### **2. The Domain Name and Registrar**

The disputed domain name <carrefourr.fun> is registered with Hosting Concepts B.V. d/b/a Registrar.eu. (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 ("PASS") 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 30, 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 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 Elise Dufour as the sole panelist in this matter on March 11, 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 worldwide leader in retail, having pioneered the concept of hypermarkets since 1968, providing its retail store services under the trademark CARREFOUR (the “CARREFOUR Mark”).

The Complainant operates over 12,000 stores in more than thirty countries worldwide. With more than 384,000 employees worldwide and 1.3 million daily unique visitors in its stores. The Complainant is listed on the index of the Paris Stock Exchange (CAC 40) and in 2018 had an annual turnaround of EUR 76 billion.

The Complainant owns several hundred trademark registrations worldwide incorporating the CARREFOUR Mark, including:

- European Union trademark CARREFOUR No 008779498, registered on July 13, 2010, duly renewed, and designating goods in international class 35.
- International trademark CARREFOUR No 563304, registered on November 6, 1990, duly renewed and designating goods and services 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.

The Complainant owns numerous domain names reflecting its CARREFOUR Mark, both within generic and country code Top-Level Domains in order to promote its services, including its official domain name created on October 25, 1995.

The Complainant operates a website accessible through its official domain name at the URL “www.carrefour.com” where it prominently uses the CARREFOUR Mark and features general information regarding its various retail store products and services (the “Official CARREFOUR Mark website”).

The Complainant’s fame and notoriety is also shown in annexed evidence to the Complaint of Complainant’s use of the CARREFOUR Mark on the Internet through social media, where Complainant’s Facebook page is currently “liked” by more than 11 million Internet users.

The disputed domain name was registered on December 29, 2024. At the time the Complaint was filed, the disputed domain name resolved to a blank and empty page except for the word “ok” written at the top left of the web 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.

Notably, the Complainant contends that the disputed domain name incorporates the Complainant’s CARREFOUR Mark, differing only by the addition of an extra “r” at the end. In addition, for the Complainant, the Top-Level Domain “.fun” is irrelevant in the assessment of confusing similarity, in line with section 1.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”). Furthermore, as noted in section 1.9 of the [WIPO Overview 3.0](#), the use of such a misspelling often signals an intention to mislead users, especially when supported by infringing website

content. The Complainant concludes that it has established that the disputed domain name is confusingly similar to its earlier CARREFOUR Mark, satisfying the first element of the UDRP Policy.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name: First, the Complainant asserts that the Respondent has never been authorized—expressly or implicitly—to use the CARREFOUR Mark. The Respondent is neither affiliated with the Complainant nor has any business relationship that would justify the registration or use of a domain name incorporating the Complainant’s well-known mark. The Complainant further contends that the Respondent does not hold any registered trademarks or other intellectual property rights over the name CARREFOUR. There is also no indication that the Respondent is commonly known by the domain name, either as a natural person, business, or other organization, as at the time of filing, the domain name resolved to a blank web page displaying only the word “ok” which the Complainant argues cannot be considered legitimate use. The Complainant therefore invites the Panel to conclude that the second element of the Policy is satisfied.

With particular reference to the issue of bad faith registration, the Complainant first observes that the Complainant’s trademarks are intensively used in numerous countries such as Spain, Italy and in France, where the Respondent is based. Thus, the Complainant asserts that the Respondent must have been aware of the reputation of the Complainant and its CARREFOUR Mark since its first trademark was registered in 1968, at the time of registering the disputed domain name. The Complainant states further that a simple online search would have revealed to the Respondent the existence of the Complainant’s CARREFOUR trademark and its worldwide reputation.

Therefore, the Complainant submits that having created the disputed domain name on December 29, 2024, it is nearly impossible considering the composition and the complexity of the disputed domain name that the similarity with the trademark is a coincidence. It is further submitted that the Respondent must have registered the disputed domain name with the intention to resell it to the Complainant later on or to prevent the Complainant from using it.

With specific reference to bad faith use, the Complainant refers to the ongoing inactive status of the disputed domain name which only resolves to resolving to an empty page, except for the sole word “ok” written on the top left of the web page should not prevent a finding of bad faith use under the doctrine of passive holding. See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#).

## **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 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 Panel finds the mark is recognizable within the disputed domain name. The disputed domain name incorporates the Complainant’s CARREFOUR Mark with the addition of the letter “r”. Therefore, the Panel finds that the disputed domain name consists of a common, obvious, or intentional misspelling of a trademark which is considered to be confusingly similar to the relevant mark for purposes of the first element. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.9.

In what concerns the addition of the generic Top-Level Domain “.fun” in relation to the disputed domain name, such is viewed as a standard registration requirement, and is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The Panel therefore finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy. 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.

Thus, based on the available evidence, the Respondent does not have the Complainant’s authorization to register the disputed domain name. Furthermore, the disputed domain name consists of a common, obvious, or intentional misspelling of the Complainant’s CARREFOUR trademark with the addition of the letter “r”, which is very likely to lead to confusion for Internet users seeking or expecting the Complainant.

Moreover, the Respondent used the disputed domain name to redirect to a blank web page displaying only the word “ok”. Nothing is on record which would show that the Respondent has made a legitimate noncommercial or fair use of the disputed domain name or that the Respondent has any rights or legitimate interests in the disputed domain name.

The above does not amount to a bona fide offering of goods or services, or to a legitimate noncommercial or fair use of the disputed domain name.

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.

In the present case, the Panel notes that the Complainant’s rights in the CARREFOUR Mark predate the registration date of the disputed domain name, which consists of a common, obvious, or intentional misspelling of the Complainant’s CARREFOUR trademark.

In light of the well-known character of the CARREFOUR trademark, the Panel agrees with the Complainant that it is not conceivable that the Respondent chose the disputed domain name without knowledge of the Complainant's CARREFOUR trademark and of his activity, which supports a finding of bad faith registration. [WIPO Overview 3.0](#), section 3.2.2.

In the present case, the Panel notes the composition of the disputed domain name, which comprises a typo of the Complainant's well known CARREFOUR trademark support a finding of bad faith.

The disputed domain name redirected at the time when the Complaint was filed to a blank web page displaying only the word "ok".

From the inception of the UDRP, panelists have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding.

Noting: (i) the degree of distinctiveness and reputation of the Complainant's CARREFOUR trademark, (ii) the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) and the implausibility of any good faith use to which the typosquatted disputed domain name may be put, the Panel finds that the passive holding of the disputed domain name does not prevent a finding of bad faith. [WIPO Overview 3.0](#), section 3.3.

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 <carrefourr.fun> be transferred to the Complainant.

*/Elise Dufour/*

**Elise Dufour**

Sole Panelist

Date: March 25, 2025