

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Tecnologia e Pagamentos Spacefy Ltda
Case No. D2025-0328

1. The Parties

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

The Respondent is Tecnologia e Pagamentos Spacefy Ltda, Brazil.

2. The Domain Names and Registrar

The disputed domain names <carrefouroferta.shop> and <carrefourpromo.shop> are registered with PDR Ltd. d/b/a PublicDomainRegistry.com (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 names. On January 30, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (“Unknown (no information available from Whois registry)”) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 30, 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 the same date.

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 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 21, 2025.

The Center appointed Francisco Castillo-Chacón 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 Complainant (Carrefour SA) is a worldwide leader in retail and a pioneer of the concept of hypermarkets back in 1968. With a turnaround of EUR 76 billion in 2018, the Complainant is listed on the index of the Paris Stock Exchange (CAC 40). The 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 Complainant additionally offers travel, banking, insurance, and ticketing services.

To that effect, the Complainant owns hundreds of trademark rights worldwide. In particular, the Complainant is the owner of the following trademarks registered before the registration of the disputed domain names: European Union Trade Mark CARREFOUR No. 008779498, registered on July 13, 2010, duly renewed, and designating goods in International Class 35; International trademark registration CARREFOUR No. 563304, registered on November 6, 1990, duly renewed, and designating goods in International Classes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42; French trademark CARREFOUR No. 1565338, registered on December 8, 1989, duly renewed, and designating goods in International Classes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33 and 34; United States trademark CARREFOUR No. 6763415, registered on June 21, 2022, duly renewed, and designating goods in International Class 35. The Complainant submits that the earlier trademarks CARREFOUR enjoy a wide-spread continuous reputation.

The Complainant also owns numerous domain names, including <carrefour.com> and <carrefour.fr>, which predate the disputed domain names. The aforementioned domain names date back to October 1995 and June 2005. The Complainant uses these domain names to resolve to its official websites.

The disputed domain names were both registered on December 25, 2024. According to the evidence provided in the Complaint, the disputed domain names do not resolve to active websites.

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 mark CARREFOUR is well known. The Complainant further contends that the disputed domain names are highly similar to the trademark and that this creates a confusing similarity with its trademark.

In addition, the Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain names since the Complainant has no relationship with the Respondent and the latter is not commonly known by the disputed domain names. The Respondent certainly had knowledge of the internationally famous CARREFOUR mark when the disputed domain names were registered, given the distinctiveness and international reputation of the CARREFOUR mark. The Respondent is not using the disputed domain names in connection with a bona fide offering of goods or services, nor making any legitimate noncommercial or fair use of them.

The Complainant states that the disputed domain names were registered and used in bad faith given that: (a) the Respondent was aware of the CARREFOUR mark at the time of registration of the disputed domain names; (b) the CARREFOUR trademark predates the registration of the disputed domain names; (c) the disputed domain names must have been registered with the Complainant's trademark in mind given the fact that they are composed with the terms "oferta" and "promo"; and (d) it is likely that the Respondent registered the disputed domain names with the intention of profiting off of the reputation of the Complainant and its trademark.

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 names. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

To prove this element, the Complainant must have trademark rights, and the disputed domain names must be identical or confusingly similar to the Complainant's trademark or service mark.

The Complainant is the owner of the mark CARREFOUR and has international registrations for the trademark. Accordingly, 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 names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "promo" and "oferta", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names 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 names. 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 names such as those enumerated in the Policy or otherwise.

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:

- (i) circumstances indicating that the Respondent has registered or has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to the Complainant who is the owner of the trademark or service mark or to a competitor of the Complainant, for valuable consideration in excess of its documented out-of-pocket costs directly related to the disputed domain name; or
- (ii) the Respondent has registered the disputed domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding disputed domain name, provided that the Respondent has engaged in a pattern of such conduct; or
- (iii) the Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location.

The Panel finds that it is likely that the Respondent was aware of the Complainant and its reputation in the CARREFOUR mark at the time the disputed domain names were registered. The Complainant is one of the largest companies in its field with worldwide operations.

The word "carrefour" is a French word which translates to crossroads and would make no sense with the terms "oferta" or "promo", other than by reference to the Complainant. The registration of the disputed domain names was likely done in awareness of the Complainant's CARREFOUR mark and, in the absence of rights or legitimate interests, amounts to registration in bad faith.

Accordingly, the disputed domain names have been registered and are being used 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.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) 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 reputation of the Complainant's trademark, and the composition of the disputed domain names, and finds that in the circumstances of this case the passive holding of the disputed domain names 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 names <carrefouroferta.shop> and <carrefourpromo.shop> be transferred to the Complainant.

/Francisco Castillo-Chacón/

Francisco Castillo-Chacón

Sole Panelist

Date: March 12, 2025