

ADMINISTRATIVE PANEL DECISION

Carrefour SA, Atacadão - Distribuição, Comércio E Indústria LTDA v.
Flavio Nascimento, Sandra Barboza, Vendas Dash Distribuidora,
Clara Amorim, Gabriela Adela Marques, Lucas Arruda, Vendas,
Encomendas Rapido, Henrique Manases Freire, Erica Maiane Santos
Andrade, Jose Natal Pedro, Natan Lucas, Edivania Dos Santos,
Cleverson da Silva, Sandro Amorim, Cafeta Ruslan
Case No. D2025-0498

1. The Parties

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

The Respondents are Flavio Nascimento, Brazil, Sandra Barboza, Peru, Vendas Dash Distribuidora, Brazil, Clara Amorim, Brazil, Gabriela Adela Marques, Brazil, Lucas Arruda, Vendas, Brazil, Encomendas Rapido, Brazil, Henrique Manases Freire, Brazil, Erica Maiane Santos Andrade, Brazil, Jose Natal Pedro, Brazil, Natan Lucas, Brazil, Edivania Dos Santos, Brazil, Cleverson da Silva, Brazil, Sandro Amorim, Brazil and Cafeta Ruslan, Brazil.

2. The Domain Names and Registrars

The disputed domain names <atacadaoblack.shop>, <atacadaoblack.site>, <atacadaoblack.store>, <atacadaobraas.shop>, <atacadaobras.pro>, <atacadaobras.store>, <atacadaodobrasp.site>, <atacadaodobrasp.store>, <atacadaodo-bras.site>, <atacadaodo-bras.store>, <tiendaatacadoao.site> and <tiendaatacadoao.store> are registered with Hostinger Operations, UAB.

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

The disputed domain names <atacadoao-bras.club> and <atacadaobras.club> are registered with PDR Ltd. d/b/a PublicDomainRegistry.com.

The disputed domain names <atacadaodobras.blog> and <atacadoao-do-bras.site> are registered with GoDaddy.com, LLC.

The disputed domain names <l-atacadaobras.com> and <superratacadoao.com> are registered with Gransy, s.r.o. d/b/a subreg.cz. (Hostinger Operations, UAB, Name SRS AB, PDR Ltd. d/b/a PublicDomainRegistry.com and GoDaddy.com, LLC are collectively referred to as the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 7, 2025. On February 10, 2025, the Center transmitted by email to each of the Registrars a request for registrar verification in connection with the disputed domain names. On February 10, February 11 and February 12, 2025, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Unknown) and contact information in the Complaint.

The Center sent an email communication to the Complainants on February 18, 2025, with the registrant and contact information of the nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or, alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainants filed an amended Complaint on March 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 March 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 25, 2025. One of the Respondents, Clara Amorim, sent several email communications to the Center on March 5, 2025. The Center informed the Parties that it would proceed to panel appointment on April 13, 2025.

The Center appointed Adam Taylor as the sole panelist in this matter on April 16, 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 part of a retail group, which includes the ATACADÃO chain of some 300 stores and distribution centres in Brazil that was established in the 1960s.

The Second Complainant owns a number of registered trade marks for ATACADÃO including Brazilian trade mark No. 006785344, registered on October 10, 1978, under national classification code 512-3110.

The disputed domain names were registered between November 21, 2024, and December 7, 2024.

As of February 6, 2025, the disputed domain names <atacado-do-bras.site>, <tiendaatacado.site>, and <atacadaoblack.site> (“the Active Domains”) resolved to purported e-commerce websites branded “Atacadão”, or with ATACADAO-formative marks. So far as the Panel is aware, the other disputed domain names (“the Inactive Domains”) have not been used for active websites.

5. Parties’ Contentions

A. Complainants

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

B. Respondents

The Respondents did not formally reply to the Complainants' contentions. On March 5, 2025, the Respondent Clara Amorim sent several email communications to the Center, enquiring about the issue and stating that the disputed domain name <atacadaoblack.com> was not hers.

6. Discussion and Findings

6.1 Preliminary Issues

A. Consolidation: Multiple Complainants

The Panel is satisfied that (a) the Complainants, which are part of a group of companies, have a specific common grievance against the Respondents and the Respondents have engaged in common conduct that has affected the Complainants in similar fashion and (b) it would be equitable and procedurally efficient to allow this proceeding to be filed by both Complainants. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 4.11.1. The Complainants are collectively referred to hereafter as "the Complainant", unless it is necessary to refer to them separately.

B. Consolidation: Multiple Respondents

The Panel is satisfied that the disputed domain names are subject to common control and that, in the circumstances, consolidation is fair and equitable to all Parties, and also procedurally efficient. [WIPO Overview 3.0](#), section 4.11.2.

In particular, the Panel notes the following:

1. The disputed domain names were registered within a 16-day period.
2. The disputed domain names are similar in a number of respects:
 - all include the word "atacadao";
 - 12 of the disputed domain names contain suffixes that include "bras"/"do bras" (likely denoting Brás, a commercial district in São Paulo, Brazil), or typosquatting variations such as "braas";
 - four of the disputed domain names contain the suffix "black"; and
 - three of the disputed domain names are prefixed by retail-related words, namely "super" and "tienda" (meaning "store").
3. None of the named Respondents have come forward to object to consolidation except that the registrant of <tiendaatacadao.site> and <tiendaatacadao.store> has sent a number of emails to the Center stating simply that <atacadaoblack.com> "isn't mine". However, the Panel does not find this assertion convincing in view of the lack of detail as well as the failure to deny a connection with any other of the disputed domain names. Also, the communications were sent from the email address confirmed by the Registrar.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

6.2 Substantive Issues

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 trade mark and the disputed domain names. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognisable within each of 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, “I”, “black”, “braas”, “brasp”, “bras”, “do”, “super”, “tienda”) 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.

As to paragraph 4(c)(i) of the Policy, and as further discussed in section 6C below, the Panel considers that the Respondent has used the Active Domains to intentionally attempt to attract, confuse and profit from Internet users seeking the Complainant’s goods and/or services. Such use of the Active Domains could not be said to be bona fide.

Furthermore, there is no evidence that the Inactive Domains have been used for a bona fide offering of goods or services.

Nor is there any evidence that paragraphs 4(c)(ii) or (iii) of the Policy are relevant in the circumstances of this case.

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 considers that the Respondent has intentionally attempted to attract Internet users to its websites at the Active Domains for commercial gain by creating a likelihood of confusion with the Complainant's trade mark in accordance with paragraph 4(b)(iv) of the Policy.

Not only do the Active Domains include the Complainant's distinctive mark, but the Respondent has used the Active Domains for websites that offer retail services, including Black Friday deals, and which create the impression that they are officially associated with the Complainant including by prominent use of the Complainant's mark and by the lack of any prominent disclaimer.

It is reasonable to infer that the Respondent was intent on commercial gain.

While 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, 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 record, the Panel considers that the following circumstances are indicative of passive holding of the Inactive Domains in bad faith:

1. the highly distinctive and long-standing nature of the Complainant's mark;
2. the failure of the Respondent to submit a formal response or to provide any evidence of actual or contemplated good faith use;
3. the implausibility of any good faith use to which the Inactive Domains may be put; and
4. the sheer number of Inactive Domains, which are clearly part of a cybersquatting pattern of conduct in conjunction with the Active Domains.

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 <atacadaoblack.com>, <atacadaoblack.shop>, <atacadaoblack.site>, <atacadaoblack.store>, <atacadaobraas.shop>, <atacadao-bras.club>, <atacadaobras.club>, <atacadaobras.pro>, <atacadaobras.store>, <atacadaodobras.blog>, <atacadaodobrasp.site>, <atacadaodobrasp.store>, <atacadao-do-bras.site>, <atacadaodo-bras.site>, <atacadaodo-bras.store>, <l-atacadaobras.com>, <superratacado.com>, <tiendaatacado.site> and <tiendaatacado.store> be transferred to the Complainant.

/Adam Taylor/

Adam Taylor

Sole Panelist

Date: May 1, 2025