

ADMINISTRATIVE PANEL DECISION

Carrefour SA , Atacadão - Distribuição, Comércio E Indústria LTDA v. Minha loja Admin, Loja online
Case No. D2025-0538

1. The Parties

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

The Respondent is Minha loja Admin, Loja online, Brazil.

2. The Domain Name and Registrar

The disputed domain name <atacadofertasloja.com> is registered with Tucows Domains Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 11, 2025. On February 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 11, 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 (Contact Privacy Inc. Customer 0173861862) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 13, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainants filed an amended Complaint on February 14, 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 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 11, 2025. On March 17, 2025, the

Center received an email communication from the Registrar's confirmed email address for the registrant of the disputed domain name, stating that it has not registered the disputed domain name.

The Center appointed Philippe Gilliéron as the sole panelist in this matter on March 17, 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 French public limited company that was founded in 1959. It operates a chain of hypermarkets which counts more than 12,000 stores in more than 30 countries, totaling more than 384,000 employees, 1.3 million daily unique visitors in its webstores and a turnover around EUR 80 billion per year.

The Complainant Atacadão - Distribuição, Comércio E Indústria LTDA is a leading Brazilian wholesale and retail chain which became a subsidiary of the Complainant Carrefour SA in 2007.

The Complainant holds numerous trademarks consisting in all or in part of the term ATACADAO, including:

- European Union trademark ATACADAO No. 012020194, in class 35 registered on May 24, 2015;
- Brazilian trademark ATACADÃO No. 006785344, registered on October 10, 1978;
- Brazilian trademark ATACADÃO No. 006937497, registered on 25 May 1979;
- French trademark ATACADAO No. 4981135, registered in class 35 on November 10, 2023.

On January 20, 2025, the Respondent registered the disputed domain name. The disputed domain name does not resolve to any active website.

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 is confusingly similar to its trademark ATACADAO as it incorporates the trademark in a visually and phonetically similar way and that the addition of descriptive terms such as "ofertas" and "loja" do not dispel such confusion.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. It has never authorized the Respondent to use its trademark ATACADAO, has never had any relationship with the Respondent which is not commonly known by the disputed domain name. The disputed domain name is not actively used and there is no evidence of a bona fide offering of goods or services.

The Complainant finally affirms that the disputed domain name was registered and is being used in bad faith. Taking into account the well-known character of the ATACADAO trademark, there is no doubt that the registration of the disputed domain name and its use are in bad faith, since there is no conceivable way, the Respondent could use the disputed domain name in good faith.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “[...] decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.”

Pursuant to paragraph 4(a) of the Policy, the Complainant must prove each of the following three elements to obtain an order that the disputed domain name should be cancelled or transferred:

- (i) the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or a service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

On March 17, 2025, the Center received an email communication from the registrant of the disputed domain name. Taking into account the fact that such spontaneous submission took place several days after the due date to file a Response, and that said submission does not have any impact upon the outcome of the case, the submission will be disregarded.

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 Panel finds the ATACADAO mark is recognizable within the disputed domain name. It is phonetically and visually similar, and the addition of descriptive terms such as “ofertas” and “loja” (meaning “offers” and “store” in Portuguese) does not prevent a finding of confusing similarity. 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 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 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 prior panelists have already acknowledged the extensive reputation of the Complainant's trademark (*Carrefour SA v. Bento Ferreira, Amelio Herl*, WIPO Case No D2024-3076; *Carrefour SA v. atacado varejo*, WIPO Case No D2023-3011). The addition of terms such as "ofertas" and "lajo", which refer to the Complainant's activities, demonstrate that the Respondent was well aware of the Complainant's trademark when it decided to register the disputed domain name.

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 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 <atacadofertasloja.com> be transferred to the Complainant.

/Philippe Gilliéron/

Philippe Gilliéron

Sole Panelist

Date: March 31, 2025