

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. David Jarvis, 3343

Case No. D2025-0624

1. The Parties

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

The Respondent is David Jarvis, 3343, Albania.

2. The Domain Name and Registrar

The disputed domain name <carrefour-il.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 17, 2025. On February 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 18, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 19, 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 February 19, 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 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 18, 2025.

The Center appointed Christian Gassauer-Fleissner as the sole panelist in this matter on March 26, 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 French group and a leading global retailer. 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 is a major worldwide leader in retail. The Complainant additionally offers travel, banking, insurance and ticketing services.

The Complainant is the owner of several trademarks for CARREFOUR ("CARREFOUR trademark"), including:

- International Trademark Registration CARREFOUR No. 351147, registered on October 2, 1968, inter alia designated for Benelux Office for Intellectual Property, Italy, and Monaco;
- International Trademark Registration CARREFOUR No. 353849, registered on February 28, 1969, inter alia designated for Croatia, Spain, and Hungary, and
- Israeli Trademark CARREFOUR No. 225856, registered March 6, 2011.

The Complainant is also owner of several domain names including the designation "carrefour", such as the domain name <carrefour.com>, registered on October 25, 1995.

The disputed domain name <carrfeour-il.com> was registered on February 5, 2025. At the time of decision and when the Complaint was filed, the disputed domain name resolved to a blank 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.

On the first element of the Policy, the Complainant claims that the disputed domain name is identical or highly confusingly similar to the Complainant's CARREFOUR trademark. The Complainant submits that the disputed domain name is highly similar to its earlier well-known trademarks, reproducing the CARREFOUR mark in its entirety, except with the letters "e" and "f" in the inverted order. The disputed domain name imitates the earlier trademarks of the Complainant together with the term "il", the ISO country code for Israel. Even if the term "il" were to be taken into consideration by the Panel when assessing the likelihood of confusion, the Complainant submits that this term only reinforces that risk. Indeed, the Complainant is active in Israel, operating a total of 118 locations in or around the country, either directly or through distributors or franchisees.

Furthermore, the company's official website for operations in Israel uses a domain name of the ".il" country code Top-Level-Domain ("ccTLD"), i.e., <brand.carrefour.co.il>. Internet users of average attention will likely believe that the disputed domain name is affiliated with or endorsed by the Complainant for its local business. The use of lower-case letter format on the one hand and the addition of the Top-Level Domain on the other hand, are not significant in determining whether the domain name is identical or confusingly similar to the international and Israeli trademarks of the Complainant. In many UDRP decisions, panels considered that the incorporation of a well-known trademark in its entirety may be sufficient to establish that the domain name is identical or confusingly similar to the Complainant's trademark. The disputed domain name imitates

the Complainant's trademarks. Therefore, the Complainant contends that the disputed domain name is identical or highly similar to the Complainant's earlier trademarks.

On the second element of the Policy, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent in these administrative proceeding is the organization "3343" with David Jarvis listed as contact person. Firstly, the Complainant performed searches and found no trademark CARREFOUR owned by 3343 nor David Jarvis. From this finding, the Complainant asserts that the Respondent has acquired no trademark in CARREFOUR which could have granted the Respondent rights in the disputed domain name. Furthermore, the Complainant has found no evidence whatsoever that the Respondent is known by the disputed domain name. There is no evidence that the Respondent has been commonly known by the disputed domain name as an individual, business, or other organization. This statement is reinforced by the fact that the Complainant filed the present Complaint soon after the registration of the disputed domain name, intending to not allow the Respondent to be commonly known by the disputed domain name.

Secondly, the Respondent imitates the Complainant's earlier registered trademarks CARREFOUR in the disputed domain name without any license or authorization from the Complainant, which is strong evidence of the lack of legitimate interests. Therefore, the Complainant submits that it has not authorized the use of the terms "carrefour" or terms similar thereto in the disputed domain name in any manner or form. Thirdly, the Complainant puts forth that the Respondent has not, before the original filing of the Complaint, used or made preparations to use the disputed domain name in relation to a bona fide offering of goods or services. The disputed domain name resolves to a blank page. Fourthly, the Complainant's research shows that the disputed domain name is linked to Mail eXchange ("MX") servers which allow the sending and reception of emails. Whether these emails are sent to potential customers or providers of the Complainant or whether they are used more generally for phishing purposes, such use does not create rights or legitimate interests in the disputed domain name. Fifthly, since the adoption and extensive use of its trademarks by the Complainant predates by far the registration of the disputed domain name, the burden is shifted to the Respondent to show the rights or legitimate interests the Respondent may have or have had in the disputed domain name. The Complainant submits that it has made a prima facie case of the Respondent's lack of rights or legitimate interests in the disputed domain name, in light of the Policy. None of the circumstances which set out how a respondent can prove rights or legitimate interests in the disputed domain name, are present in this case. Considering all the elements mentioned above, the Respondent should be considered as having no rights or legitimate interests in respect of the disputed domain name that is the subject of the Complaint.

On the third element of the Policy, the Complainant asserts that the Respondent has registered and used the disputed domain name in bad faith. Firstly, the Complainant submits that the Complainant and its trademarks were so widely well-known, that it is inconceivable that the Respondent ignored the Complainant or its earlier rights. The Complainant enjoys a long-lasting worldwide reputation, which has now been established by panels for years. The Respondent necessarily had the Complainant's name and trademark in mind when registering the disputed domain name. The Respondent's choice of the disputed domain name cannot have been accidental and must have been influenced by the fame of the Complainant and its earlier trademarks. UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or well-known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

Secondly, the Complainant submits that it is highly likely that the Respondent chose the disputed domain name because of its identity with or similarity to a trademark in which the Complainant has rights and legitimate interest. This was most likely done in the hope and expectation that Internet users searching for the Complainant's services and products would instead come across the Respondent's domain name. Such use cannot be considered a good faith use. Thirdly, the Complainant's trademark registrations significantly predate the registration date of the disputed domain name. In this regard, previous panels have established that knowledge of the Complainant's intellectual property rights, including trademarks, at the time of registration of the disputed domain name, proves bad faith registration. A quick trademark search would have revealed to the Respondent the existence of the Complainant and its trademarks. The Respondent's

failure to do so is a contributory factor to its bad faith. Furthermore, a simple search on an online search engine shows results only related to the Complainant. Therefore, at the very least, the Respondent knew or should have known that, when acquiring and using the disputed domain name, they would do so in violation of the Complainant's earlier rights. Fourthly, the current use of the disputed domain name may not be considered a good faith use. By simply maintaining the disputed domain name, the Respondent is preventing the Complainant from reflecting its trademark in the corresponding disputed domain name. The disputed domain name resolves to a blank page. The non-use of a domain name (including a blank or "coming soon" page) does not prevent a finding of bad faith under the doctrine of passive holding.

Moreover, the disputed domain name appears to be linked to an email service, which, given the presence of a trademark in the domain name, presents the potential for a phishing attack. An email recipient of average attention would likely believe that a message sent from [...]@carrfeour-il.com originated from a representative of the Complainant's business in Israel. Fifthly, long-lasting use of the trademarks by the Complainant, the Complainant cannot think of any future use of the disputed domain name that may be done by the Respondent in good faith. As stated in WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 3.3, the panel must examine all the circumstances of the case to determine whether the Registrant is acting in bad faith. Examples of what may be cumulative circumstances found to be indicative of bad faith include the complainant having a well-known trademark, no response to the complaint having been filed, and the registrant's concealment of its identity. Panels may draw inferences about whether the domain name was used in bad faith given the circumstances surrounding registration, and vice versa. The relevant issue is not limited to whether the Registrant is undertaking a positive action in bad faith in relation to the domain name, but instead whether, in all the circumstances of the case, it can be said that the Registrant is acting in bad faith. The distinction between undertaking a positive action in bad faith and acting in bad faith may seem a rather fine distinction, but it is an important one. The significance of the distinction is that the concept of a domain name "being used in bad faith" is not limited to positive action; inaction is within the concept.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules requires that the Panel's decision be made "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".

It has been a consensus view in previous UDRP decisions that a respondent's default (i.e., failure to submit a response) would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true (see section 4.3 of the [WIPO Overview 3.0](#)).

The Complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the Complaint, namely that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (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.

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.

Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The nature of such additional term(s) may however bear on assessment of the second and third elements. [WIPO Overview 3.0](#), section 1.8.

A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9.

The applicable Top-Level-Domain ("TLD") in a domain name (e.g., ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.

Moreover, the addition of a hyphen does not prevent a finding of identity or confusing similarity (see *The Channel Tunnel Group Ltd. v John Powell*, WIPO Case No. [D2000-0038](#)).

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 disputed domain name consists of a misspelled version of the CARREFOUR trademark, namely "carrfeour", a hyphen, and the suffix "il", which likely refers to Israel.

The Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain name is 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, the term "il") may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

The Complainant has not authorized, licensed, or permitted the Respondent to register or use the disputed domain name or to use the CARREFOUR trademark. The Panel finds on the record that there are no

indications that the Respondent is commonly known by the disputed domain name or otherwise has any rights to or legitimate interests in the disputed domain name. Further, there are no evident preparations for the use of the disputed domain name for a bona fide offering of goods or services.

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.

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.

From the inception of the UDRP, 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. While panels will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel notes the distinctiveness and reputation of the CARREFOUR trademark, the composition of the disputed domain name which shows the Respondent's intention to target the CARREFOUR trademark together with an additional term "il" most likely referring to Israel where the Complainant has its business, the failure of the Respondent to submit a response, the fact that the Respondent concealed its identity as well as the implausibility of any good faith use to which the disputed domain name may be put, 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 <carrfeour-il.com> be transferred to the Complainant.

/Christian Gassauer-Fleissner/
Christian Gassauer-Fleissner
Sole Panelist
Date: April 9, 2025