

## **ADMINISTRATIVE PANEL DECISION**

CARREFOUR SA v. Ralph Segura

Case No. D2025-0907

### **1. The Parties**

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

The Respondent is Ralph Segura, United States of America (“United States”).

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

The disputed domain names <empleo-carrefour.com>, <empleocarrefour.com> and <empleo-carrefour.org> are registered with Hostinger Operations, UAB (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 5, 2025. On March 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On March 6, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on March 7, 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 March 10, 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 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 14, 2025.

The Center appointed Christian Schalk as the sole panelist in this matter on April 22, 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.

The Panel has reviewed the record and confirms the Complaint's compliance with the formal requirements. The Complaint was properly notified to the Respondent in accordance with paragraph 2(a) and (b) of the Rules. The language of the proceeding is English.

#### **4. Factual Background**

The Complainant is a well-known provider of so-called hypermarkets. The latter are large scale supermarkets which offer a huge variety of products, including all kind of food, household goods, technical devices, toys, books, electronic devices, etc. The Complainant, founded in 1959 and starting its hypermarket concept in 1963 now operates more than twelve thousand stores in more than 30 countries. This includes the hypermarkets but also smaller supermarkets in the center of many European cities, among others under the name "Carrefour express". The Complainant has more than 384,000 employees worldwide, more than 1.3 million daily visitors and annual turnover of EUR 80 billion.

The Complainant owns among other the following trademarks:

- Several European Union ("EU") Trademarks featuring the term "carrefour", for instance, EU Trademark No. 005178371 CARREFOUR, registration date of August 30, 2007, covering goods and services in Intl. classes 9, 35 and 38;
- International Trademark Registration No. 191353 CARREFOUR, registration date March 9, 1956, covering goods in Intl. class 3;
- International Trademark Registration No. 351147 CARREFOUR, registration date October 2, 1968, covering goods and services in Intl. classes 1 - 34;
- International Trademark Registration No. 353849 CARREFOUR, registration date February 28, 1969, covering services in Intl. classes 35 - 42.

The Complainant owns also a number of domain names, including:

- <carrefour.com>, registered on October 25, 1995;
- <carrefour.eu>, registered on March 10, 2006.

The Complainant has also a strong social media presence with more than 12 million followers on Facebook France and more than one million followers on LinkedIn Global.

The Respondent registered the disputed domain names on February 17, 2025. According to the material brought before the Panel, the disputed domain names <empleocarrefour.com> and <empleo-carrefour.com> resolve to a parking site where hosting services of the Registrar are offered in English language while <empleo-carrefour.org> refers to an error page with no content.

## 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 names.

The Complainant alleges that the disputed domain names are confusingly similar to trademarks in which the Complainant has rights. The Complainant argues in this context that all three disputed domain names incorporate the Complainant's CARREFOUR trademark in its entirety and that the mere addition of a descriptive term, such as the Spanish term for employment ("empleo") does not prevent a finding of confusing similarity. The Complainant explains that the term "empleo" is directly related to job offers and career opportunities, which are services commonly associated with large multinational companies like the Complainant. Hence, the inclusion of this term alongside the Complainant's distinctive CARREFOUR trademark reinforces, rather than dispels, the false impression that the disputed domain names are affiliated with or endorsed by the Complainant. The Complainant also adds that the addition of a hyphen in the disputed domain name <empleo-carrefour.com> does not alter the overall impression of this particular disputed domain name, as it remains phonetically and visually similar to the Complainant's trademark.

The Complainant alleges also that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

The Complainant argues that he has not authorized, licensed or otherwise permitted the Respondent to use its CARREFOUR trademark in any manner, including as part of a domain name. The Complainant adds further, that there exist no business relationship which would justify the Respondent to register the disputed domain names and that the Respondent is not commonly known by the disputed domain names and that there is no indication that the Respondent has any rights to the disputed domain names.

The Complainant pretends also that the Respondent is not making a bona fide offering of goods and services or a legitimate noncommercial or fair use of the disputed domain names. In this context the Complainant explains that the disputed domain names <empleocarrefour.com> and <empleo-carrefour.com> resolve to a webpage hosted by the Registrar, displaying generic English-language content related to domain registration and hosting services which cannot constitute a legitimate offering of goods or services while the fact that the disputed domain name <empleo-carrefour.org> resolves to an error page with no content does would reinforce the lack of legitimate use.

The Complainant continues that the combination of the Complainant's trademark CARREFOUR with the descriptive Spanish word "empleo" (meaning "employment"), creates a misleading impression that the disputed domain names are related to the Complainant's job offering or employment services which is inherently misleading and does not confer rights or legitimate interests upon the Respondent.

The Complainant argues further that UDRP panels have repeatedly found that the unauthorized registration of a well-known trademark in a domain name, especially when used in a misleading manner, does not constitute a legitimate interest under the Policy.

The Complainant alleges, furthermore, that the disputed domain names were registered and are being used in bad faith. The Complainant believes that the Respondent was aware of the Complainant's rights in the disputed domain names given the global reputation of the Complainant's CARREFOUR trademark and argues that the registration of a well-known trademark as domain names, without authorization from the trademark, is indicative of bad faith.

The Complainant argues the disputed domain names incorporate the CARREFOUR trademark in its entirety and are coupled with the Spanish word “empleo” (meaning employment in English language) and that such combination is not coincidental but rather a deliberate attempt to mislead Internet users into believing that the disputed domain names are associated with the Complainant’s employment services. The Complainant pretends in this context that UDRP panels have consistently held that a respondent’s incorporation of a well-known trademark with a descriptive term related to the complainant’s business suggests an intention to target the complainant’s brand and mislead consumers.

The Complainant also states that the Respondent’s choice, to register three similar domain names further demonstrates a pattern of bad faith conduct and that the UDRP panels have recognized that the registration of multiple domain names targeting the same trademark indicates an abusive practice aimed at preventing the trademark owner from reflecting its brand in domain names and refers in this context to paragraph 4(b)(ii) of the Policy.

The Complainant argues in this context that given the Complainant’s world wide operations, it is inconceivable that the Respondent registered the disputed domain names without prior knowledge of the Complainant’s rights and that the only plausible explanation for the registration of the disputed domain names is that the Respondent sought to take unfair advantage of the Complainant’s trademark rights, whether by misleading Internet users, disrupting the Complainant’s business, or attempting to sell the domain names for a profit.

The Complainant argues also that the Respondent’s concealment of identity in the Whois record further supports a finding of bad faith registration and serves also as an indication of the Respondent’s awareness of the Complainant’s rights at the time of the registration of the disputed domain names. The Complainant explains in this context that while the use of a privacy service is not inherently illegitimate, it raises concerns when, as in this case, the disputed domain names incorporate a well-known trademark without any legitimate explanation. The concealment of identity would suggest an attempt to avoid accountability and frustrate enforcement efforts by the legitimate trademark owner, states the Complainant.

The Complainant contends also that the Respondent is using the disputed domain names in bad faith. The Complainant states that use of bad faith behavior is already shown by its passive holding, the lack of legitimate use and the deliberate incorporation of the Complainant’s well-known trademark to mislead consumers or disrupt the Complainant’s business.

The Complainant therefore, concludes, that the deceptive nature of the disputed domain names, which misleadingly suggest an affiliation with the Complainant’s employment services, supports a finding of bad faith use under paragraph 4(b)(iv) of the Policy and that even if the Respondent has not yet actively used the disputed domain names, their very existence would prevent the Complainant from using them, creating a barrier to its legitimate online presence.

## **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, see WIPO Overview 3.0, section 1.7.

The Panel finds that the Complainant has established trademark rights in the CARREFOUR mark and that the entirety of the mark is reproduced within the disputed domain names.

The addition of terms to a trademark does not prevent a finding of confusing similarity where the trademark remains recognizable within the disputed domain names (see [WIPO Overview 3.0](#), section 1.8). Therefore, the addition of the term “empleo” (which is the Spanish term for “employment”), in the disputed domain names cannot prevent a finding of confusing similarity.

The fact that the disputed domain names <empleo-carrefour.com> and <empleo-carrefour.org> feature a hyphen between the Complainant’s trademark CARREFOUR and the term “empleo” constitutes in both cases only a very minor difference which has no relevance for the determination of confusing similarity between the disputed domain names and the Complainant’s trademark CARREFOUR.

Accordingly, the disputed domain name is confusingly similar to the CARREFOUR marks for the purposes of the Policy (see [WIPO Overview 3.0](#), section 1.7).

Furthermore, the “.com” and “.org” generic Top-Level Domain (“gTLD”) suffixes in the disputed domain names are viewed as a standard registration requirement and as such are disregarded under the first element confusing similarity test.

For all these reasons, the Panel finds that the Complainant has fulfilled the first element under paragraph 4(a) of the Policy.

## **B. Rights or Legitimate Interests**

Based on the submissions and materials filed in this case, the Panel finds that the Respondent does not have rights or legitimate interests in the disputed domain names.

Although the overall burden of proof in UDRP proceedings is on the complainant, UDRP 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 (see [WIPO Overview 3.0](#), section 2.1).

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in the disputed domain names.

However, the Respondent has not provided any evidence of circumstances specified in paragraph 4(c) of the Policy or of any other circumstances giving rise to rights to or legitimate interests in the disputed domain names. Specifically, the Panel finds no evidence that the Respondent has been or is commonly known by any of the disputed domain names. The Respondent is neither affiliated with the Complainant nor has a license to use its trademark. The Respondent has also not rebutted the Complainant’s allegations and has not provided the Panel with any explanations as to the Respondent’s rights or legitimate interests.

In this case, the composition of the Complainant’s CARREFOUR trademark with the term “empleo” (which is the Spanish term for “employment”) suggest that any website to which the disputed domain names pretend to resolve, refers to job offerings or employment services of the Complainant. This creates the impression among Internet users that such websites are either one of the Complainant’s websites or of an entity somehow linked

with the Complainant while this is not the case (see also *Carrefour SA v. Pedro Castro; Luis Villanueva; Lorenzo Lara; Samuel Naranjo; Alberto Caceres; Antonio Alvarez; Pablo Silva; Enrique Revuelta; Miguel Farias; Alejandro Villalba; Nicolas Ferreyra; Julio Rivas; Marcos Villanueva; Eugenio Cabrera*, WIPO Case No. [D2024-4736](#) and more general [WIPO Overview 3.0](#), section 2.5.1).

In addition, in accordance to the material brought before the Panel, the Respondent has directed the disputed domain names to parking pages which are either hosted by the Registrar and displaying generic English-language content related to domain registration and hosting services or resolve to an error page with no content. It is well established by previous UDRP panels, that parking pages built around a third party's distinctive trademark do not constitute a bona fide offering of goods or services pursuant to paragraph 4(c)(i) of the Policy, nor do they constitute a legitimate noncommercial or fair use pursuant to paragraph 4(c)(iii) (see *Ustream.TV, Inc. v. Vertical Axis, Inc.*, WIPO Case No. [D2008-0598](#); *mVisible Technologies, Inc v. Navigation Catalyst Systems, Inc.*, WIPO Case No. [D2007-1141](#); *Mobile Communication Service Inc v. WebReg, RN*, WIPO Case No. [D2005-1304](#); *Gerber Products Company v. LaPorte Holdings*, WIPO Case No. [D2005-1277](#); *Asian World of Martial Arts Inc. v. Texas International Property Associates*, WIPO Case No. [D2007-1415](#); *Champagne Lanson v. Development Services/MailPlanet.com*, WIPO Case No. [D2006-0006](#); and, *The Knot, Inc. v. In Knot we Trust LTD*, WIPO Case No. [D2006-0340](#)).

Hence, the Panel is convinced that the only reason for the Respondent to register the disputed domain names was, on balance, to capitalize on the Complainant's goodwill by redirecting Internet traffic intended for the Complainant away from it. Such behavior cannot constitute a bona fide or legitimate use of the disputed domain names (see also *Bright Imperial Ltd. v. Cleiton da Silva Pardim*, WIPO Case No. [D2013-1548](#)).

Therefore, the Complainant has fulfilled the second element under paragraph 4(a) of the Policy.

### **C. Registered and Used in Bad Faith**

The Complainant contends that the Respondent registered and is using the disputed domain names in bad faith. The Policy, paragraph 4(b) sets forth four non-exclusive circumstances, which evidence bad faith registration and use of domain names:

(i) circumstances indicating that the respondent has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is owner of the trademark or service mark or to a competitor of the complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the 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 its website or location or of a product or service on its website or location.

According to the materials brought before the Panel, the Panel finds that the disputed domain names have been registered and are being used by the Respondent in bad faith.

The Panel finds that the Respondent must have been aware of the Complainant's trademark and its services when it registered the disputed domain names. A simple search on a search engine such as Google or Bing reveals many references to the Complainant already on the first two pages of search results, which would have made the Respondent immediately aware of the Complainant.

In addition, given the fact that the Respondent combined the Complainant's trademark CARREFOUR with the term "empleo" (which is the Spanish term for employment), it is not possible to conceive of a plausible situation in which the Respondent would have been unaware of the Complainant's brands at the time of registration of the disputed domain names (see also *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. D2000-0003).

The Respondent's behavior constitutes also use of the disputed domain names in bad faith.

The Panel finds that the disputed domain names are used in bad faith by the Respondent. Having regard to the material brought before the Panel, the disputed domain names are currently not in use. According to section 3.3 of the WIPO Overview 3.0 it is consensus view that the lack of active use of the domain names does not as such prevent a finding of bad faith and that the panel must examine all the circumstances of the case to determine whether respondent is acting in bad faith. Examples of circumstances that can indicate bad faith include the complainant's well-known trademark, no response to the complaint, concealment of identity and the impossibility of conceiving a good faith use of the disputed domain names (*Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. D2000-0003).

The Complainant's CARREFOUR trademark is a well known trademark as it has been stated already by other panels (see, for instance, *Carrefour SA v. Jaimin Patel*, WIPO Case No. D2025-0866; *Carrefour SA v. Hugo Fernandez, Ricardo Contreras, Diego Maestre, Luis Hernandez, Santiago Miranda, Marcos Quintana, Manuela Ojeda, Salvador Mendoza, Santiago Navarrete, Esperanza Redondo, Enrique Barbero, Pablo Belmonte, Gerardo Casado, Pedro Cabrera, Bernardo Montes, Ernesto Villanueva, Cristian Aguilar, Eugenio Hidalgo, Javier Olivares, Rafael Lagos, Roberto Herrera, and Luis Villanueva*, WIPO Case No. D2024-5144; *Carrefour SA v. Domain Administrator, NameSilo, LLC*, WIPO Case No. D2024-4404; *Carrefour SA v. Domingo Reyes, Ernesto Villanueva, Pedro Rivas, Sergio Godoy, Diego Murillo, Alejandro Soriano, Carrefour, and Silvia Caceres*, WIPO Case No. D2024-4880; *Carrefour SA contre Jamyz Baleck, Beneld Liis Litige*, WIPO Case No. D2023-1491; *Carrefour SA v. Foster William*, WIPO Case No. D2024-1339; *Carrefour SA. v. Withheld for Privacy Purposes, Privacy Service Provided by Withheld for Privacy ehf / Ben Luis*, WIPO Case No. D2021-2910; *Carrefour SA v. hanib bas*, WIPO Case No. D2020-1798; *Carrefour v. Jean-Claude Bot / Albert Pierre*, WIPO Case No. D2017-0969).

The Respondent also failed to take part in the present proceedings.

For all this, the Panel finds that the disputed domain names are being used in bad faith by the Respondent.

Therefore, the Panel concludes that the Respondent's primary motive in relation to the registration and use of the disputed domain names was to capitalize on, or otherwise take advantage of, the Complainant's trademark rights, by creating a likelihood of confusion with the Complainant's mark (see also WIPO Overview 3.0, section 3.4).

Accordingly, in light of the circumstances, the Panel finds that the Respondent has engaged in the bad faith registration and use of the disputed domain names and therewith the establishment also of 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 <empleo-carrefour.com>, <empleocarrefour.com> and <empleo-carrefour.org> be transferred to the Complainant.

*/Christian Schalk/*  
**Christian Schalk**  
Sole Panelist  
Date: May 6, 2025