

## **ADMINISTRATIVE PANEL DECISION**

Carrefour SA v. Garaj Dezoxin  
Case No. D2025-1031

### **1. The Parties**

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

The Respondent is Garaj Dezoxin, Russian Federation.

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

The disputed domain names <carrefourqatars-promo.online> (the “Domain Name 1”) and <carrefourqatars-promo.site> (the “Domain Name 2”) (collectively referred to as the “Domain Names”) are registered with Registrar of Domain Names REG.RU LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on March 13, 2025. On March 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On March 14, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent (Private Person) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 14, 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 14, 2025.

On March 14, 2025, the Center informed the parties in Russian and English, that the language of the registration agreement for the Domain Names is Russian. On March 14, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in Russian and English of the Complaint, and the proceedings commenced on March 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 14, 2025.

The Center appointed Piotr Nowaczyk as the sole panelist in this matter on April 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 is a retail company operating a chain of hypermarkets, grocery stores, and convenience stores. As of 2023, the Complainant's revenue amounted to EUR 84.9 billion. The Complainant operates more than 14,000 stores across over 40 countries worldwide and employs more than 500,000 people globally.

The Complainant is the owner of numerous CARREFOUR trademark registrations, including:

- the International Trademark Registration for CARREFOUR (word) No. 351147, registered on October 2, 1968;
- the International Trademark Registration for CARREFOUR (word) No. 353849, registered on February 28, 1969; and
- the European Union Trademark Registration for CARREFOUR (word) No. 005178371, registered on August 30, 2007.

The Complainant is also the owner of numerous domain names incorporating its CARREFOUR trademark, such as <carrefour.com> and <carrefour.fr>.

The Domain Names were registered on March 3, 2025.

At the time the Complaint was submitted, Domain Name 1 did not resolve to an active website. By contrast, Domain Name 2 resolved to a website impersonating the Complainant and allegedly operating as an online retail store.

As of the date of this Decision, the Domain Names do not resolve to any 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 Domain Names.

First, the Complainant alleges that the Domain Names are confusingly similar to the trademark in which the Complainant has rights.

Second, the Complainant argues that the Respondent has neither rights nor legitimate interests in the Domain Names.

Third, the Complainant submits that the Domain Names were registered and are being used in bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1. Preliminary Matters**

#### **A. Language of the Proceeding**

The language of the Registration Agreement for the Domain Names is Russian. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant has requested that English be adopted as the language of the proceeding for several reasons. First, the Complainant submits that it is unable to communicate in Russian. Second, the Complainant asserts that conducting the proceeding in Russian would result in considerable additional expense and delay, owing to the necessity of translating the Complaint. Third, the Complainant contends that the Respondent is proficient in English and capable of participating in the proceeding in that language. In support of this assertion, the Complainant notes that the Domain Names incorporate the English word "promo." Furthermore, at the time the Complaint was submitted, the Domain Name 2 resolved to a website presented in English.

The Respondent did not comment on the Complainant's request for the language of the proceedings to be English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time, and costs. See section 4.5.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The Panel finds that substantial additional expense and delay would likely be incurred if the Complaint had to be translated into Russian. Moreover, the Panel notes that the Respondent did not comment or object to the Complainant's arguments concerning the language of the proceeding.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

### **6.2. Substantive Matters – Three Elements**

Paragraph 4(a) of the Policy places a burden on the Complainant to prove the presence of three separate elements, which can be summarized as follows:

- (i) the Domain Names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in the Domain Names; and
- (iii) the Domain Names have been registered and are being used in bad faith.

The requested remedy may only be granted if the above criteria are met. At the outset, the Panel notes that the applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence". See section 4.2 of the [WIPO Overview 3.0](#).

## **A. Identical or Confusingly Similar**

Under the first element, the Complainant must establish that the Domain Names are identical or confusingly similar to the trademark in which the Complainant has rights.

The Complainant holds valid CARREFOUR trademark registrations. The Domain Names incorporate this trademark in its entirety. As numerous UDRP panels have held, incorporating a trademark in its entirety is sufficient to establish that a domain name is identical or confusingly similar to that trademark. See *PepsiCo, Inc. v. PEPSI, SRL (a/k/a P.E.P.S.I.) and EMS COMPUTER INDUSTRY (a/k/a EMS)*, WIPO Case No. [D2003-0696](#).

The addition of the term “qatars-promo” in the Domain Names does not prevent a finding of confusing similarity between the Domain Names and the CARREFOUR trademark. Panels have consistently held that 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. See section 1.8 of the [WIPO Overview 3.0](#).

The generic Top-Level Domains “.online” and “.site” in the Domain Names is viewed as a standard registration requirement and as such is typically disregarded under the first element test. See section 1.11.1 of the [WIPO Overview 3.0](#).

Given the above, the Panel finds that the Domain Names are confusingly similar to the Complainant’s CARREFOUR trademark for purposes of the Policy. In sum, the Panel finds the first element of the Policy has been established.

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

Under the second element, the Complainant must prove that the Respondent has no rights or legitimate interests in the Domain Names.

A right or legitimate interest in the Domain Names may be established, in accordance with paragraph 4(c) of the Policy, if the Panel finds any of the following circumstances:

- (i) that the Respondent has used or made preparations to use the Domain Names or a name corresponding to the Domain Names in connection with a bona fide offering of goods or services prior to the dispute; or
- (ii) that the Respondent is commonly known by the Domain Names, even if the Respondent has not acquired any trademark rights; or
- (iii) that the Respondent is making a legitimate noncommercial or fair use of the Domain Names without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark.

Although given the opportunity, the Respondent has not submitted any evidence indicating that any of the circumstances foreseen in paragraph 4(c) of the Policy are present in this case.

On the contrary, it results from the evidence on record that the Complainant’s CARREFOUR trademark registrations predate the Respondent’s registration of the Domain Names. There is no evidence in the case record that the Complainant has licensed or otherwise permitted the Respondent to use the CARREFOUR trademark or to register the Domain Names incorporating this trademark. There is also no evidence to suggest that the Respondent has been commonly known by the Domain Names.

Moreover, it results from the evidence on record that the Respondent does not make use of the Domain Names in connection with a bona fide offering of goods or services, nor does it make a legitimate noncommercial or fair use of the Domain Names. On the contrary, at the time the Complaint was submitted,

Domain Name 1 did not resolve to an active website, whereas Domain Name 2 resolved to a website impersonating the Complainant and allegedly operating as an online retail store. As of the date of this Decision, neither of the Domain Names resolves to an active website. In the circumstances of this case, such use of the Domain Names does not confer any rights or legitimate interests on the Respondent.

Given the above, there are no circumstances in the evidence on record which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests of the Respondent in respect of the Domain Names. Thus, there is no evidence in the case record that refutes the Complainant's prima facie case. In sum, the Panel finds the second element of the Policy has been established.

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

Under the third element, the Complainant must prove that the Domain Names have been registered and are being used in bad faith.

Bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark. See section 3.1 of the [WIPO Overview 3.0](#).

Under paragraph 4(b) of the Policy, evidence of bad faith registration and use includes, without limitation:

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

As indicated above, the Complainant's rights in the CARREFOUR trademark predate the registration of the Domain Names. This Panel finds that the Respondent was or should have been aware of the Complainant's trademark at the time of registration. This finding is supported by the content of the website associated with the Domain Name 2, which impersonates the Complainant. Moreover, it has been proven to the Panel's satisfaction that the Complainant's CARREFOUR trademark is well-known. Thus, the Respondent could not reasonably ignore the reputation of goods and services under this trademark. In sum, the Respondent, most likely, registered the Domain Names with the expectation of taking advantage of the reputation of the Complainant's CARREFOUR trademark.

Moreover, at the time the Complaint was submitted, the Domain Name 2 was being used in bad faith to direct Internet users to a website impersonating the Complainant and allegedly operating as an online retail store. The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to this website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website.

Finally, at the time the Complaint was submitted, the Domain Name 1 did not resolve to an active website. Similarly, as of the date of this Decision, neither of the Domain Names resolves to an active website. Considering the overall circumstances of this case, the Panel finds that the Respondent's passive holding of

the Domain Names does not prevent a finding of bad faith. As numerous UDRP panels have held, passive holding, under the totality of circumstances of the case, would not prevent a finding of bad faith under the Policy. See section 3.3 of the [WIPO Overview 3.0](#). Here, given the well-known nature of the Complainant's trademark and the implausible good faith use to which the Domain Names may be intrinsically put, the Panel agrees with the above.

For the reasons discussed above, the Panel finds the third element of the Policy has been established.

## **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 Domain Names <carrefourqatars-promo.online> and <carrefourqatars-promo.site> be transferred to the Complainant.

*/Piotr Nowaczyk/*

**Piotr Nowaczyk**

Sole Panelist

Date: May 1, 2025