

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. toquealegre Alegria
Case No. D2025-1078

1. The Parties

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

The Respondent is toquealegre Alegria, Brazil.

2. The Domain Name and Registrar

The disputed domain name <mercadocarrefour.com> is 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 15, 2025. On March 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 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 (Domain Admin, Privacy Protect, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 18, 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 18, 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 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 11, 2025.

The Center appointed Andrea Cappai as the sole panelist in this matter on April 29, 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 public limited company founded in 1959. It pioneered the hypermarket concept in 1963 and has since become a global leader in the retail sector. The Complainant operates over 12,000 stores in more than 30 countries, including Brazil, and employs in excess of 384,000 people worldwide. Its online stores attract approximately 1.3 million unique visitors daily, and its annual turnover is approximately EUR 80 billion.

The Complainant owns an extensive portfolio of trademarks worldwide. In particular, the following registrations predate the creation of the disputed domain name:

- International Trade Mark No. 351147, CARREFOUR, registered on October 2, 1968 (Classes 1–34);
- International Trade Mark No. 353849, CARREFOUR, registered on February 28, 1969 (Classes 35–42);
- Brazilian Trade Mark No. 830532692, CARREFOUR, registered on December 26, 2012 (Class 35).

The Complainant is also the registrant of numerous domain names reflecting its trademark, including:

- <carrefour.eu>
- <carrefour.fr>
- <carrefour.net>
- <carrefour.com>

These domain names are actively used for business and corporate purposes.

The Complainant further enjoys significant online visibility through its presence across multiple social media platforms. For instance, its Facebook page in France has over 12 million followers, and its global LinkedIn account has more than 1.12 million followers. This extensive digital reach further reinforces the Complainant's brand recognition.

The disputed domain name <mercadocarrefour.com> was registered on February 2, 2025. The disputed domain name currently resolves to an inactive website displaying a "403 Forbidden" error message.

No further information regarding the Respondent is available.

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 it has not authorised or licensed the Respondent's use of its CARREFOUR trademark, nor is the Respondent affiliated with the Complainant in any way.

The Respondent is not commonly known by the disputed domain name, nor is there evidence of a legitimate relationship that would justify use of the Complainant's mark.

According to the Complainant, the disputed domain name combines its mark with the generic Spanish term “mercado”, potentially implying an official e-commerce site. The disputed domain name is currently inactive.

The Complainant further submits that its trademark is internationally well known, and that the Respondent’s registration of the disputed domain name, long after the Complainant acquired its rights, demonstrates awareness of its brand. Thus, registering a domain incorporating a well-known mark without authorisation or legitimate purpose supports a finding of bad faith registration under the Policy.

Finally, the Complainant asserts that the passive holding of the disputed domain name, combined with a lack of legitimate interest, signals a risk of future use likely to mislead Internet users or interfere with the Complainant’s rights, thus supporting a finding of bad faith use.

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. 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 entirety of the mark is reproduced within the disputed domain name. 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, such as “mercado”, 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 name 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 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 Respondent is neither a licensee of the Complainant nor otherwise affiliated with it, and there is no indication that the Complainant has ever authorised the use of its trademark in a domain name or for any other purpose. The disputed domain name consists of the Complainant's well-known mark combined with the Spanish word "mercado", meaning "market", suggesting a non-existent approval by or connection to the Complainant.

There is no evidence that the Respondent is commonly known by the disputed domain name or holds any relevant trademark rights. The disputed domain name resolves to an inactive holding page and there is nothing on record to indicate any bona fide offering of goods or services. In view of these circumstances and taking into account the established international reputation of the Complainant's mark, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

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 the Respondent registered the disputed domain name by incorporating the Complainant's well-known trademark along with the descriptive term "mercado". Within the context of the Complainant's retail activities, this combination is likely to imply an official marketplace or commercial platform affiliated with the Complainant.

The disputed domain name was registered well after the Complainant had acquired its trademark rights and is not substantively in use. It resolves to a static webpage displaying an error message, and there is no evidence on record indicating any preparations for genuine use. Furthermore, the Respondent has neither provided an explanation regarding the selection of the disputed domain name nor supplied information suggesting any legitimate purpose. Given these circumstances, including the composition of the disputed domain name and the Complainant's established reputation, the Panel considers it likely that the Respondent registered the disputed domain name with awareness of the Complainant's trademark.

The absence of active use or any justification for the registration further supports a finding that the disputed domain name was registered and is being held 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.

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 <mercadocarrefour.com> be transferred to the Complainant.

/Andrea Cappai/

Andrea Cappai

Sole Panelist

Date: May 13, 2025