

## **ADMINISTRATIVE PANEL DECISION**

Carrefour SA v. sezer karabulut, sezer limited  
Case No. D2025-1082

### **1. The Parties**

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

The Respondent is sezer karabulut, sezer limited, Türkiye.

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

The disputed domain name <carrefouursa.shop> is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 17, 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 (Undisclosed) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 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 March 26, 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 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 17, 2025.

The Center appointed Benoit Van Asbroeck as the sole panelist in this matter on April 28, 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 company mainly active in the retail sector. It was founded in 1959 and has more than 12,000 retail locations in more than 30 countries worldwide.

The Complainant is the owner of registered trademarks in the mark CARREFOUR, amongst which:

International Trademark No. 351147 for CARREFOUR, registered on October 2, 1968, in International Classes 1 to 34, designating Benelux Office for Intellectual Property, Spain, Italy, and Monaco;

International Trademark No. 353849 for CARREFOUR, registered on February 28, 1969, in International Classes 35 to 42, designating Estonia, Lithuania, Benelux Office for Intellectual Property, Czech Republic, Spain, Croatia, Hungary, Italy, Liechtenstein, Latvia, Morocco, Monaco, Montenegro, Republic of North Macedonia, Serbia, Slovenia, Slovakia, and San Marino; and

European Union ("EU") Trademark No. 005178371 for CARREFOUR, registered on 30 August 2007, in International Classes 9, 35, and 38.

In addition, the Complainant owns domain names containing the CARREFOUR trademark, amongst which <carrefour.eu>, <carrefour.fr>, <carrefour.com>, and <carrefour.net>.

The Respondent appears to be a limited company established in Türkiye. The disputed domain name was registered on February 28, 2025, well after the Complainant secured rights in the mark CARREFOUR. According to screen captures made by the Complainant on March 19, 2025 and by the Center on March 27, 2025, the disputed domain name currently resolves to a parking 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.

With respect to the first element, the Complainant contends that it has rights in the mark CARREFOUR and that the disputed domain name is confusingly similar to this mark. According to the Complainant, the disputed domain name wholly incorporates CARREFOUR, which is the distinctive and dominant component of the mark. The addition of "sa" to the trademark does not prevent a finding of confusing similarity. As the Complainant points out, the letters "SA" are commonly used as an abbreviation for "Société Anonyme," a corporate designation in several jurisdictions, including France, where the Complainant is based. Finally, according to the Complainant, the generic Top-Level Domain ("gTLD") ".shop" reinforces the likelihood of confusion, as the Complainant operates well-known retail and e-commerce businesses under the CARREFOUR brand, and consumers may reasonably associate the disputed domain with the Complainant's commercial activities.

Regarding the second element, the Complainant claims that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant contends that they have not authorized, licensed, or otherwise permitted the Respondent to use its CARREFOUR trademark in any manner. The Complainant also points out that there is no evidence that the Respondent is commonly known by the disputed domain name, nor that the Respondent has any legitimate business or noncommercial use associated with the disputed domain name. Furthermore, the Complainant claims that the disputed domain name wholly incorporates the Complainant's CARREFOUR trademark, which they claim is internationally recognized in the retail and e-commerce sectors. In that regard, the Complainant notes that UDRP panels have consistently held that when a respondent registers a domain name incorporating a well-known trademark without authorization, it creates a presumption of illegitimacy, placing the burden on the respondent to

demonstrate any rights or legitimate interests. Moreover, the Complainant contends that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. On the contrary, the Complainant points out that the use of the gTLD “.shop” strongly suggests an intent to mislead consumers into believing that the disputed domain name is connected to the Complainant’s commercial activities. In addition, according to the Complainant the fact that the disputed domain name does not have DNSSEC (Domain Name System Security Extensions) enabled, indicates a lack of investment in security measures typically associated with legitimate domain ownership. According to the Complainant, this further supports the conclusion that the disputed domain name has been registered without a genuine intention to operate a legitimate website or business.

As to bad faith registration, the Complainant claims that given the distinctive and internationally well-known status of its trademark, it is inconceivable that the Respondent registered the disputed domain name without knowledge of the Complainant’s rights. The Complainant also points out that the incorporation of CARREFOUR in its entirety within the disputed domain name and the absence of DNSSEC (Domain Name System Security Extensions) are further strong indicators of the Respondent’s bad faith intent. Furthermore, the Complainant notes that the lack of any active use of the disputed domain name and the use of domain privacy services also support a finding of bad faith registration.

With respect to bad faith use, the Complainant relies on the passive holding doctrine, established in *Telstra Corporation Limited v. Nuclear Marshmallows* (WIPO Case No. [D2000-0003](#)). The Complainant contends that all factors outlined in this case apply here. First, the Complainant notes that the Respondent has made no demonstrable preparations to use the disputed domain name for any legitimate purpose and has provided no justification for its registration. Second, the Complainant points to the Respondent’s choice of the disputed domain name, which incorporates the CARREFOUR trademark in its entirety and includes “SA”, as well as the use of the gTLD “.shop”, which they claim further suggests that the disputed domain name was registered with the intent to mislead consumers into believing it is connected to the Complainant. Third, the Complainant claims that the lack of DNSSEC (Domain Name System Security Extensions) activation on the disputed domain name further suggests bad faith use since it creates a latent risk of future misuse, including potential phishing, fraud, or misleading commercial 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 the CARREFOUR trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. The element “carrefour” in the disputed domain name is a deliberate misspelling of the CARREFOUR trademark. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7 and 1.9.

Although the addition of other terms, here “sa”, 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.

Finally, as for the applicable gTLD, i.e., the suffix “.shop”, the Panel holds that this can be disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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 that the Respondent does not use, or has made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of services and neither makes a legitimate noncommercial or fair use of the disputed domain name. The overall facts and circumstances of the case do not show a bona fide offering of services or legitimate noncommercial or fair use either. Since its registration, the disputed domain name has resolved to a parking page. This kind of use of the disputed domain name does neither represent a bona fide offering and does not support rights or legitimate interests in the disputed domain name. [WIPO Overview 3.0](#), section 2.9.

Furthermore, there is no evidence that the Respondent has been commonly known by the disputed domain name or owns any registered trademarks in the disputed domain name or CARREFOUR.

Finally, the Complainant confirmed that the Respondent is not affiliated with the Complainant in any way nor has the Complainant licensed, authorized, or permitted the Respondent to register domain names incorporating the Complainant’s trademarks. The Panel has taken note of the Complainant’s confirmation in this regard and has not seen any evidence that would suggest the contrary. In the absence of any license or permission from the Complainant to use its trademarks, no actual or contemplated bona fide or legitimate use of the disputed domain name could reasonably be claimed (see, e.g., *Sportswear Company S.P.A. v. Tang Hong*, WIPO Case No. [D2014-1875](#); and *LEGO Juris A/S v. DomainPark Ltd, David Smith, Above.com Domain Privacy, Transure Enterprise Ltd, Host master*, WIPO Case No. [D2010-0138](#)).

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.

The fact that the disputed domain name is not used does 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 CARREFOUR 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.

Moreover, 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. The following other circumstances further support a finding of bad faith.

The Panel believes that the Respondent knew or, at least, should have known at the time of registration that the disputed domain name included the Complainant's CARREFOUR trademark. As demonstrated by the Complainant, its CARREFOUR trademark was registered many years before the registration of the disputed domain name in several countries. Moreover, the disputed domain name contains a clear misspelling of CARREFOUR ("carrefouur") and an additional element "sa", which is indeed commonly used as an abbreviation for "Société Anonyme," a corporate designation in several jurisdictions, including France, where the Complainant is based. These facts as well as the Respondent's choice for the gTLD ".shop" indicates that the Respondent was aware of the Complainant's CARREFOUR trademark and its activities. The Respondent's registration in bad faith of the disputed domain name may accordingly also be inferred from these circumstances. [WIPO Overview 3.0](#), section 3.2.2.

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 <carrefouursa.shop> be transferred to the Complainant.

*/Benoit Van Asbroeck/*

**Benoit Van Asbroeck**

Sole Panelist

Date: May 12, 2025