

## **ADMINISTRATIVE PANEL DECISION**

Carrefour SA, Atacadão S.A. v. Marcelo Lopes, Atacadao das Ofertas and  
Minha Loja Admin, Loja Online  
Case No. D2025-1133

### **1. The Parties**

The Complainants are Carrefour SA, France, and Atacadão S.A., Brazil, represented by IP Twins, France.

The Respondents are Marcelo Lopes, Atacadao das Ofertas, Brazil; Minha Loja Admin, Loja Online, Brazil.

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

The disputed domain names <appatacado.com>, <atacadaopromocoes24h.com>, <atacado24h.com>, <atacado24hloja.com>, <atacado24hofertas.com>, <atacado24horas.com>, <atacado24h.com> and <atacado24hloja.com> are registered with Tucows Domains Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 19, 2025. On March 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On March 20, 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 (Contact Privacy Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 27, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaints for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on March 27, 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 Respondents of the Complaint, and the proceedings commenced on March 31, 2025. In accordance with the Rules, paragraph

5, the due date for Response was April 20, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on April 22, 2025.

The Center appointed Taras Kyslyy as the sole panelist in this matter on April 30, 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 Carrefour SA is a retail chain, which introduced the concept of hypermarkets back in 1968. With a revenue of EUR 84.9 billion in 2023, the Complainant Carrefour SA operates more than 14,000 stores in more than 40 countries and 500,000 employees worldwide. The Complainant Atacadão S.A. is a Brazilian chain of wholesale and retail stores established in 1960 and was acquired by the Complainant Carrefour SA in 2007. With over 300 stores and distribution centers in all the Brazilian states and more than 70,000 employees, the Complainant Atacadão S.A. is one of the largest wholesale networks in the country.

The Complainants own several ATACADAO and ATACADÃO trademarks, including for instance European Union trademark registration No. 012020194, registered on May 24, 2015, and Brazil trademark registration No. 006785360, registered on October 10, 1978.

In addition, the Complainants also own numerous domain names identical to or comprising of their trademarks. For instance, <atacado.com.br> has been registered since 1997.

The disputed domain name <appatacado.com> was registered on March 2, 2025.

The disputed domain name <atacadaopromocoes24h.com> was registered on March 1, 2025.

The disputed domain name <atacado24h.com> was registered on February 27, 2025.

The disputed domain name <atacado24hloja.com> was registered on February 28, 2025.

The disputed domain name <atacado24hofertas.com> was registered on March 1, 2025.

The disputed domain name <atacado24horas.com> was registered on February 28, 2025.

The disputed domain name <atacado24h.com> was registered on March 2, 2025.

The disputed domain name <atacado24hloja.com> was registered on March 1, 2025.

The disputed domain names do not resolve to any active websites.

#### **5. Parties' Contentions**

##### **A. Complainants**

Notably, the Complainants contend that the disputed domain names are identical or confusingly similar to the Complainants' trademarks. The disputed domain names <appatacado.com>, <atacado24h.com>, <atacado24hloja.com>, <atacado24hofertas.com>, <atacado24horas.com> and <atacadaopromocoes24h.com> reproduce the Complainants' ATACADAO trademark in its entirety, together with one or more generic terms such as "app", "24h", "loja" ("store" in Portuguese), "ofertas" ("offers" in Portuguese) and "promocoes" ("promotions/sales" in Portuguese). The disputed domain names are misleading and their composition carry a high risk of implied affiliation with the Complainants. The addition of generic terms - whether descriptive, geographical, meaningless or otherwise - such as "app", "24h", "loja",

“ofertas” and “promocoes”, by way of example - to a trademark in a domain name does nothing to diminish the likelihood of confusion arising from that domain name. The disputed domain names <atacado24h.com> and <atacado24hloja.com> reproduce the Complainants' ATACADAO trademark with a minor misspelling (a letter “a” is missing). These misspellings do not avoid a finding of confusing similarity as it is well established that 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. The use of the lower-case letter format on the one hand and the addition of the generic Top-Level Domain (“gTLD”) “.com” on the other hand, are not significant in determining whether the disputed domain names are identical or confusingly similar to the trademarks of the Complainants. The disputed domain names reproduce and/or imitate the Complainants' trademarks.

The Complainants also contend that the Respondents have no rights or legitimate interests in the disputed domain names. The Respondents have acquired no trademark in the term “ATACADAO” or “ATACADO” which could have granted the Respondents with rights in the disputed domain names. The Complainants have found no evidence whatsoever that the Respondents are known by the disputed domain names. There is no evidence that the Respondents have been commonly known by the disputed domain names as an individual, business, or other organization. The Complainant has filed the present Complaint soon after the registration of the disputed domain names, intending to not allow the Respondents to be commonly known by the disputed domain names. The Respondents reproduce the Complainants' earlier registered trademarks in the disputed domain names without any license or authorization from the Complainants. The Complainants have not authorized the use of their earlier trademarks or terms similar thereto in the disputed domain names in any manner or form. The Respondents have not, before the original filing of the Complaint, used or made preparations to use the disputed domain names in relation to a bona fide offering of goods or services. There is no website associated with the disputed domain names. The disputed domain names are inherently likely to mislead Internet users and their specific nature carries a high risk of implied affiliation with the Complainants which cannot constitute fair use as they effectively impersonate or suggest sponsorship or endorsement by the Complainants. There is no evidence that the Respondents have been making a legitimate non-commercial or fair use of the disputed domain names and, in light of the renown of the Complainants' trademarks, the Complainants see no plausible use of the disputed domain names that would be legitimate fair and non-commercial.

Finally, the Complainants contend that the disputed domain names were registered and are being used in bad faith. The Respondents (supposedly resident in Brazil, where the Complainant Atacadão is undoubtedly well-known) necessarily had the Complainants' name and trademarks in mind when registering the disputed domain names. The Respondents' choice of the disputed domain names cannot have been accidental and must have been influenced by the fame of the Complainants and their earlier trademarks. It is highly likely that the Respondents chose the disputed domain names because of their similarity to a trademark in which the Complainants have rights and legitimate interests. This was most likely done in the hope and expectation that Internet users searching for the Complainants' services and products would instead come across the disputed domain names and create a likelihood of confusion with the Complainants' mark. The Complainants' trademark registrations significantly predate the registration date of the disputed domain names. The knowledge of the Complainants' intellectual property rights, including trademarks, at the time of the registration of the disputed domain names, proves bad faith registration. The current use of the disputed domain names may not be considered a good faith use. By simply maintaining the disputed domain names, the Respondents are preventing the Complainants from reflecting their names and trademarks in the corresponding disputed domain names. Moreover, the disputed domain names are not actively used and they resolve to error pages. The non-use of a domain name does not prevent a finding of bad faith under the doctrine of passive holding.

## **B. Respondent**

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

## 6. Discussion and Findings

### 6.1. Preliminary Issues – Consolidation

The Complainants request the Panel hear the present dispute – brought by two Complainants (referred to herein collectively as “the Complainant”) against two Respondents (referred to herein collectively as “the Respondent”) – as a consolidated, “unitary” Complaint. The disputed domain name registrants did not comment on the Complainant’s request.

Paragraph 10(e) of the Rules states that a “[p]anel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules”. Paragraph 10(c) of the Rules provides, in relevant part, that “the [p]anel shall ensure that the administrative proceeding takes place with due expedition”.

#### (I) Consolidation of Respondents

Section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”) summarizes the consensus view of UDRP panels on the consolidation of multiple respondents, in part, as follows: “Where a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario.”

The Complainant asserts, among other things, that the Respondents should be treated as one respondent in this proceeding, as the Respondents appear to be the same person, since all the disputed domain names:

- a) were registered in a very short time frame, less than a week;
- b) were registered through the same Registrar, but also through the same Reseller (Shopify), under the gTLD “.com”;
- c) use name servers provided by “googledomains.com”;
- d) share a similar naming pattern, combining Complainants’ ATACADAO name and trademark (or an intentional misspelling of it) with generic terms which users would likely associate with the Complainants’ business;
- e) are associated with inactive websites; and
- f) have contact details associated with Brazil, country where the Complainant Atacadão S.A. is headquartered and undoubtedly famous.

The Panel accepts these arguments in favor of consolidation and grants the request to consolidate.

#### (II) Consolidation of Complainants

Section 4.11.1 of the [WIPO Overview 3.0](#) summarizes the consensus view of UDRP panels on the consolidation of multiple complainants, in part, as follows:

“In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation.”

The Complainants assert they are related corporate entities and have a common legal interest sufficient to justify consolidation. There is no reason to require each of them to submit an almost identical complaint against the Respondent with nearly identical facts, legal arguments and requested relief. Moreover, the Respondent will not suffer any prejudice, and consolidation will not affect the Respondent's rights in responding to the Complaint.

The Panel accepts these arguments in favor of consolidation and grants the request to consolidate.

### **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.

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 applicable gTLD in a domain name (e.g., ".com") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Thus, the Panel disregards gTLD ".com" for the purposes of the confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The entirety of the mark is reproduced within the disputed domain names <appatacadao.com>, <atacadaopromocoes24h.com>, <atacadao24h.com>, <atacadao24hloja.com>, <atacadao24hofertas.com>, <atacadao24horas.com>. Accordingly, these disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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. The Panel considers the disputed domain names, <atacado24h.com>, <atacado24hloja.com> consisting of intentional misspelling of the Complainant's trademark. [WIPO Overview 3.0](#), section 1.9.

Although the addition of other terms here, "app", "promocoes24h", "24h", "24hloja", "24hofertas", "24horas" may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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.

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 names. 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 names such as those enumerated in the Policy or otherwise.

There is nothing on the record to suggest that the Respondent is commonly known by the disputed domain names, which could demonstrate its rights or legitimate interests (see, e.g., *World Natural Bodybuilding Federation, Inc. v. Daniel Jones, TheDotCafe*, WIPO Case No. [D2008-0642](#)).

The Complainant did not license or otherwise agree for use of its prior registered trademarks by the Respondent. Furthermore, the composition of the disputed domain names is likely to mislead Internet users into believing that the websites are operated or endorsed by the Complainant.

Taking into account the distinctiveness and reputation of the Complainant's trademark, and the composition of the disputed domain names, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names resolving to inactive websites (see, e.g. *Philip Morris USA Inc. v. Daniele Tornatore*, WIPO Case No. [D2016-1302](#)).

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 names incorporating the Complainant's widely known and distinctive trademark, which confirms the Respondent knew or should have known about the existence of the Complainant's prior registered trademark, which confirms a finding of bad faith in registration. [WIPO Overview 3.0](#), section 3.2.2.

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 and reputation of the Complainant's trademark, and the composition of the disputed domain names, and finds that in the circumstances of this case the passive holding of the disputed domain names 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 names <appatacado.com>, <atacadaopromocoes24h.com>, <atacado24h.com>, <atacado24hloja.com>, <atacado24hofertas.com>, <atacado24horas.com>, <atacado24h.com>, <atacado24hloja.com> be transferred to the Complainant.

/Taras Kyslyy/

**Taras Kyslyy**

Sole Panelist

Date: May 8, 2025