

## **ADMINISTRATIVE PANEL DECISION**

Carrefour SA, Atacadão S.A. v. Bianca Torres  
Case No. D2025-1166

### **1. The Parties**

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

The Respondent is Bianca Torres, Brazil.

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

The disputed domain names <tarifadeanuidade-atacado.com> and <taxadoapp-atacado.com> are registered with Squarespace Domains LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 20, 2025. On March 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On March 21, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainants on March 24, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on March 25, 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 22, 2025.

The Center appointed Erica Aoki as the sole panelist in this matter on May 5, 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 Complainants are Carrefour SA, a global leader in retail and a pioneer of the concept of hypermarkets back in 1968 headquartered in France, and Atacadão S.A., a major Brazilian wholesale and retail chain.

Carrefour operates over 12,000 stores in more than 30 countries, with more than 384,000 employees worldwide and 1.3 million daily unique visitors in its stores while Atacadão is a Brazilian chain of wholesale and retail stores, founded in 1960 and acquired by Carrefour in 2007, Atacadão ranks as the Number 1 chain nationally, with 361 locations and over 65,000 employees. Since Atacadão is part of the Carrefour Group, both companies have opted to join in the present Complaint.

The Complainants own various registered trademarks for the word ATACADAO, including:

- Brazil trademark ATACADÃO No. 006785360, registered on October 10, 1978;
- Brazil trademark ATACADÃO No. 006785344, registered on October 10, 1978;
- Brazil trademark ATACADAO No. 006937497, registered on May 25, 1979;
- European Union trademark ATACADAO No. 012020194, registered on May 24, 2015.

The disputed domain names <tarifadeanuidade-atacado.com> and <taxadoapp-atacado.com> were both registered on February 28, 2025, with Squarespace Domains LLC. At the time of filing the Complaint, the disputed domain names resolved to blank pages and were not being actively used.

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

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

The Complainants contend that the disputed domain names are confusingly similar to their registered trademarks. The disputed domain names incorporate the trademark ATACADÃO in its entirety, combined with the terms "tarifadeanuidade" ("annual fee") and "taxadoapp" ("charged or taxed" and "app"), which relate to financial and digital service contexts, thereby reinforcing an association with the Complainants' commercial activities.

The Complainants argue that the Respondent has no rights or legitimate interests in the disputed domain names. The Respondent is not affiliated with the Complainants, has not been authorized to use the trademarks, and is not commonly known by the disputed domain names.

The Complainants further assert that the disputed domain names were registered and are being used in bad faith. The disputed domain names are passively held and do not resolve any active websites, which supports the finding of bad faith under the doctrine of passive holding, particularly in light of the Complainants' well-known marks.

The Respondent should be considered as having no rights or legitimate interests in respect of the disputed domain names, and the Respondent has registered and is using the disputed domain names in bad faith.

##### **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy requires the Complainants to prove each of the following three elements:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainants have rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

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

The Complainants have established its rights to the ATACADÃO and ATACADAO trademarks through registration and use. The Panel further finds that there is no doubt that the disputed domain names are confusingly similar to the Complainants' ATACADAO trademark, as the disputed domain names includes the Complainants' trademark entirely, with only the addition of the terms "tarifadeanuidade" and "taxadoapp", to the ATACADAO trademark, which does not prevent a finding of confusing similarity (see sections 1.7 and 1.8 of the WIPO Overview of Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#))).

Accordingly, the Panel finds that the disputed domain names are confusingly similar to the trademarks in which the Complainants have rights. The first element of the Policy is satisfied.

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

The Respondent is in default and thus has made no attempt to show any rights or legitimate interests in the disputed domain names.

There is no evidence on record that the Respondent is or was commonly known by the disputed domain names as an individual, business, or other organization. See section 2.3 of the [WIPO Overview 3.0](#).

There is no evidence on record that the Respondent is making a legitimate noncommercial or fair use of the disputed domain names, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainants' trademark. Paragraph 4(c) of the Policy indicates that a respondent may have a right or legitimate interest in a domain name if it uses the domain name in connection with a bona fide offering of goods or services prior to notice of the dispute.

The Complainants have established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain names. The Respondent is not affiliated with the Complainants and has not been authorized to use their trademarks. Moreover, the Respondent has not made any active use of the disputed domain names, nor demonstrated preparations for a bona fide offering of goods or services.

Thus, the Respondent has no rights or legitimate interests in respect of the disputed domain names. The Panel therefore finds that the Complainants have established an un rebutted prima facie case, i.e., that the Respondent has no rights or legitimate interests in the disputed domain names, under Policy paragraph 4(a)(ii).

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

The Complainants contend that the Respondent has registered and is using the disputed domain names in bad faith.

The Complainants' trademarks were registered long before the registration of the disputed domain names. Given the reputation of the Complainants' trademarks and the composition of the disputed domain names

which incorporates the Complainants' trademarks in its entirety the Respondent very likely registered the disputed domain names having the Complainants' trademarks in mind.

Therefore, the Panel finds that it is most likely that the Respondent was aware of the Complainants' rights in the ATACADAO and ATACADÃO trademarks at the time the disputed domain names were registered, indicating that such registrations were made in bad faith.

The Respondent's failure to make active use of the disputed domain names, combined with the fame of the ATACADAO and ATACADÃO trademark, supports a finding of bad faith under the doctrine of passive holding.

In view of the circumstances, including the Respondent's silence and lack of demonstrable good-faith use, the Panel concludes that the disputed domain names were registered and are being used in bad faith under the Policy, paragraph 4(a)(iii). The third element of the Policy is met.

## **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 <tarifadeanuidade-atacado.com> and <taxadoapp-atacado.com> be transferred to the Complainants.

*/Erica Aoki/*

**Erica Aoki**

Sole Panelist

Date: May 19, 2025