

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Joselillo Teruel
Case No. D2025-1180

1. The Parties

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

The Respondent is Joselillo Teruel, Spain.

2. The Domain Name and Registrar

The disputed domain name <carrefourpass-cuenta.digital> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 21, 2025. On March 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 22, 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 (GDPR Masked) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 24, 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 the same day.

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 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 9, 2025.

The Center appointed Marilena Comanescu as the sole panelist in this matter on May 9, 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 one of the worldwide leaders in retail and a pioneer of the concept of hypermarkets back in 1968, with a turnover around EUR 76 billion in 2018, being listed on the index of the Paris Stock Exchange (CAC 40). The Complainant operates more than 12,000 stores in more than 30 countries worldwide, has more than 384,000 employees, and 1.3 million daily unique visitors to its stores.

The Complainant owns worldwide trademark registrations for or including CARREFOUR (including CARREFOUR PASS), such as the following:

- the International Trademark Registration number 563304 for CARREFOUR (word), registered on November 6, 1990, covering goods and services in International Classes from 1 to 42;
- the International Trademark Registration number 719166 for CARREFOUR PASS (word), registered on August 18, 1999, covering services in International Class 36; and
- the European Union trademark registration number 008779498 for CARREFOUR (word), filed on December 23, 2009, registered on July 13, 2010, covering services in International Class 35.

The Complainant owns domain names incorporating the trademarks CARREFOUR and CARREFOUR PASS, such as <carrefour.com> registered on October 25, 1995, <carrefourpass.com> registered on May 31, 2010, and <carrefourpass.net> registered on October 16, 2013. All these domain names are used to develop the Complainant's brand and to promote its products and services.

The Complainant's official social media pages boast million followers, for example the Complainant has 11 million followers on Facebook and 749 thousand followers on Instagram.

The disputed domain name was registered on March 4, 2025, and, at the time of filing of the Complaint, it redirected to a commercial website promoting and selling flowers in Valencia, Spain. No disclaimer was displayed on the homepage of the website at the disputed domain name.

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 the disputed domain name is identical or highly similar to its earlier well-known trademarks and that there is a risk of confusing similarity; the Complainant's trademark is exactly reproduced, in attack position, within the disputed domain name and separated from a generic term by hyphen, which makes the trademark easily identifiable and recognizable; moreover the word "cuenta" (translated "account" from Spanish), associated with the Complainant's trademark and related to the Complainant's services, increases the risk of confusion in the mind of the average Internet user; the Respondent has no rights or legitimate interests in the disputed domain name; the Respondent is not known by the disputed domain name, such statement being reinforced by the fact that the Complainant filed the present Complaint soon after the registration of the disputed domain name, intending to not allow the Respondent to be commonly known by the disputed domain name; the disputed domain name is used to

redirect Internet traffic towards another e-commerce website, probably owned by the Respondent and thus cannot be considered as a bona fide offering; the lack of legitimate interest and the addition of the illegitimate use of the fame of the CARREFOUR and CARREFOUR PASS trademarks cannot allow the Complainant to think that the Respondent plans to use the disputed domain name in a legitimate way; the Respondent registered and is using the disputed domain name in bad faith, as evidenced mainly by the following facts: the first CARREFOUR trademark was registered in 1968, long before the registration of the disputed domain name; the Complainant's marks are intensively used in numerous countries worldwide and the Complainant enjoys a solid notoriety; the Complainant's mark is well known worldwide and it is nearly impossible, regarding the composition and the complexity of the disputed domain name (20 symbols), that the similarity with the trademark is a mere coincidence; reproducing the Complainant's trademark in the disputed domain name, with the additional word "cuenta" (matching the implementation and main target of the Complainant's commercial activity), cannot be another coincidence, but it is supporting the fact that the registration of the disputed domain name was made by the Respondent with the Complainant's mark in mind; the disputed domain name is used to redirect on an e-commerce shop, selling flowers, and such redirection of the Complainant's customers towards the Respondent's e-commerce website can be qualified as bad faith use; and, by reproducing the Complainant's mark in the disputed domain name, the Respondent strengthens the impression that he or she is affiliated with the Complainant.

B. Respondent

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

6. Discussion and Findings

Under the Policy, the Complainant is required to prove on the balance of probabilities that:

- (i) the disputed domain name is 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 disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

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 Panel finds the mark CARREFOUR PASS is recognizable 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.

While the addition of other term, here "cuenta" and a hyphen, 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 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 notes that the composition of the disputed domain name, which incorporates the Complainant’s mark together with a term which might be interpreted as associated with the Complainant’s commercial activity (the term “cuenta” is translated “account” from Spanish), carries a risk of implied affiliation. UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.0](#), section 2.5.1.

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 disputed domain name was registered in bad faith, with knowledge of the Complainant and its trademark particularly because it incorporates the Complainant’s trademark with a dictionary term which might be interpreted as related to Complainant’s activity, and the Complainant’s trademark, trade name and domain names predate the registration of the disputed domain name by more than 30 years.

According to the evidence provided in the Complaint, the disputed domain name was used to redirect to a commercial webpage, promoting and selling flowers.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt “to attract, for commercial gain, Internet users to [the respondent’s] web site or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [the respondent’s] web site or location or of a product or service on [the respondent’s] website or location” is evidence of registration and use in bad faith.

Given that the disputed domain name incorporates the Complainant’s well-known trademark, and the website operated under the disputed domain name displays no disclaimer, indeed in this Panel’s view, the Respondent has intended to attract Internet users accessing the website corresponding to the disputed domain name who may be confused and believe that such website is held, controlled by, or somehow affiliated with or related to the Complainant, for the Respondent’s commercial gain.

Previous UDRP panels have found that the mere registration of a domain name that is identical or confusingly similar to a widely known trademark by an unaffiliated entity can, by itself, create a presumption of bad faith for the purpose of Policy. [WIPO Overview 3.0](#), section 3.1.4.

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, <carrefourpass-cuenta.digital>, be transferred to the Complainant.

/Marilena Comanescu/

Marilena Comanescu

Sole Panelist

Date: May 21, 2025