

## **ADMINISTRATIVE PANEL DECISION**

Carrefour SA v. julio tena, fastG, Jimmie Gaines  
Case No. D2025-1181

### **1. The Parties**

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

The Respondents are julio tena, fastG, Jimmie Gaines, United States of America (the “US”).

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

The disputed domain names <carrefourpassconfirma.info>, <carrefourpassverifdatos.info>, <cliente-carrefourpass.info>, <ingresocarrefourpass.info>, and <usuariocarrefourpass.info> are 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 names. On March 23, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. On March 28, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name <cliente-carrefourpass.info> which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint.

The Center verified that the 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 April 22, 2025.

The Center appointed Marilena Comanescu 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 one of the worldwide leaders in retail and a pioneer of the concept of hypermarkets back in 1968, with a turnover around EUR 78 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 US Trademark Registration number 6763415 for CARREFOUR (word), filed on December 8, 2020, registered on June 21, 2022, 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, <carrefour.com.br> registered on January 18, 1997 under its Brazilian subsidiary, and <carrefourpass.com> registered on May 31, 2010. 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 names were registered as follows:

- <carrefourpassconfirma.info> was registered on February 25, 2025;
- <carrefourpassverifdatos.info> was registered on February 26, 2025;
- <cliente-carrefourpass.info> was registered on February 27, 2025;
- <ingresocarrefourpass.info> was registered on February 22, 2025; and
- <usuariocarrefourpass.info> was registered on February 28, 2025.

At the time of filing of the Complaint, none of the disputed domain names was actively used, they all resolved to error pages.

#### **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 names.

Notably, the Complainant contends that the disputed domain names reproduce and are highly similar to its earlier registered trademarks CARREFOUR and/or CARREFOURPASS, as they include its trademark with the addition of different generic words in Spanish, such as “confirma” (in English “confirm”), “verifdatos” (in English “verification date”), “usuario” (in English “user”), “cliente” (in English “customer”), and “ingreso” (in English “income”); the addition of such terms does not significantly affect the appearance or pronunciation of the disputed domain names, but to the contrary, associated with the Complainant’s trademark, and being directly linked to the Complainant’s commercial activity, they increase the risk of confusion in the mind of the average Internet user; the Respondents have no rights or legitimate interests in the disputed domain names; the Respondents registered and are using the disputed domain names in bad faith mainly because: the Complainant’s trademarks are intensively used in numerous countries worldwide, such as France, Spain, Italy and Brazil, and the Complainant enjoys a solid notoriety in these countries, with the first CARREFOUR trademark being registered in 1968, and therefore it is very likely that the Respondents knew the trademark CARREFOUR or CARREFOUR PASS at the time of registration of the disputed domain names; in fact, there can be no doubt that the Respondents have registered the disputed domain names with the Complainant’s name and trademark in mind, since the disputed domain names, deliberately mislead Internet users and falsely suggesting an affiliation with the Complainant; the Respondent registered several disputed domain names, following a pattern of bad faith conduct by associating the Complainant’s distinctive and well-known trademark with Spanish descriptive words; by simply maintaining the disputed domain names, the Respondent is preventing the Complainant from reflecting its name and trademarks in the corresponding domain names, and it is likely that he Respondent registered the disputed domain names in order to resell them to the Complainant later; the non-use of a domain name does not prevent a finding of bad faith use under the doctrine of passive holding; the disputed domain names are inherently likely to mislead Internet users and their specific nature carries a high risk of implied affiliation with the Complainant.

## **B. Respondents**

The Respondents did not reply to the Complainant’s contentions.

### **6.1 Preliminary Procedural Issue: Consolidation of Multiple Respondents**

The Complaint was filed in relation to nominally different disputed domain name registrants. The Complainant alleges that the disputed domain name registrants are the same person or entity or under common control. The Complainant requests the consolidation of the disputes against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant’s request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant’s request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.11.2.

As regards common control, the Panel notes that the disputed domain names (i) were created in a similar manner, incorporating the Complainant’s trademark CARREFOUR PASSS together with Spanish words related to the Complainant’s business (“confirma”, “verifdatos”, “cliente”, “ingreso”, and “usuario”), and a hyphen in the case of the disputed domain name <cliente-carrefourpass.info>; (ii) were registered within a short timeframe, between February 22, 2025 and February 28, 2025; (iii) are registered with the same Registrar; (iv) are registered under the generic Top Level Domain “.info”; (v) are not associated with active websites; (vi) all the registrants are supposedly located in the US; and (vi) the Respondents have not objected to the consolidation claims made by the Complainant despite the communications sent by the Center to them.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as “the Respondent”) in a single proceeding.

## **6.2 Substantive Issue: Three Elements**

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

- (i) the disputed domain names are 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 names; and
- (iii) the disputed domain names have been registered and are 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 names. See section 1.7 of the [WIPO Overview 3.0](#).

Based on the available record, the Panel finds 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 trademarks CARREFOUR, and CARREFOUR PASS, are recognizable within the disputed domain names. Accordingly, each of the disputed domain names is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms, here “confirma”, “verifdatos”, “cliente”, “ingreso” and “usuario”, 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 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.

The Panel notes the composition of the disputed domain names, which combines the Complainant's well-known trademark CARREFOUR with dictionary Spanish terms closely associated with the Complainant's business (i.e. "confirma" (in English "confirm"), "verifdatos" (which can be interpreted as an combination of the abbreviation of the English word "verification" and data), "cliente" (in English "customer"), "ingreso" (in English "entry"), and "usuario" (in English "user")), also reproducing the Complainant's mark CARREFOUR PASS, is suggesting an affiliation with the Complainant. Prior 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 names were registered in bad faith, with knowledge of the Complainant and its trademark particularly because the Complainant's trademark predates the registration of the disputed domain names by more than 35 years and is highly distinctive and well known worldwide.

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.

At the time of filing the Complaint, the disputed domain names did not resolve to active websites.

Prior panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel notes the distinctiveness and international reputation of the Complainant's trademark; the composition of the disputed domain names (i.e., the combination of the Complainant's trademark CARREFOUR PASS and dictionary terms); the Respondent's failure to come forward with any rights or legitimate interests in the domain name; the implausibility of any good faith use to which the disputed domain names may be put, 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. [WIPO Overview 3.0](#), section 3.3.

Previous 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 names, <carrefourpassconfirma.info>, <carrefourpassverifdatos.info>, <cliente-carrefourpass.info>, <ingresocarrefourpass.info>, and <usuariocarrefourpass.info>, be transferred to the Complainant.

*/Marilena Comanescu/*

**Marilena Comanescu**

Sole Panelist

Date: May 12, 2025