

## **ADMINISTRATIVE PANEL DECISION**

Carrefour SA, Atacadão S.A. v. Alvaro Miguel; Luciano Alves;  
SP7KZ, Souza Ribeiro; Host Master, Njalla Okta LLC; Mel Silva;  
Alessandro Fabio Martim; IDV Pagamentos; Glauco Oda;  
Ana Paula Lista Bernardi, ANPL LTDA  
Case No. D2025-1201

### **1. The Parties**

The Complainants are Carrefour SA, France (the “First Complainant”) and Atacadão S.A., Brazil (the “Second Complainant”), both represented by IP Twins, France.

The Respondents are Alvaro Miguel, Brazil; Luciano Alves, Brazil; SP7KZ, Souza Ribeiro, Brazil; Host Master, Njalla Okta LLC, Saint Kitts and Nevis; Mel Silva, Brazil; Alessandro Fabio Martim, Brazil; IDV Pagamentos, Brazil; Glauco Oda, Brazil, and Ana Paula Lista Bernardi, ANPL LTDA, Brazil.

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

The disputed domain names <atacadaocard.site>, <pagseguro-atacado.shop>, <seu-atacadaocard.shop>, <cartaoatacado.site>, and <pagamento-atacado.online> are registered with Hostinger Operations, UAB.

The disputed domain names <atacado-cartao.com> and <validacaodeacessoatacado.site> are registered with NameCheap, Inc.

The disputed domain name <cartaoatacadaobrasil.site> is registered with NameSilo, LLC.

The disputed domain names <cartao-atacado.com> and <seucartaoatacado.com> are registered with Tucows Domains Inc.

The disputed domain names <cartao-doatacado.shop> and <cartao-doatacado.site> are registered with GoDaddy.com, LLC.

The disputed domain name <solicitar-cartaoatacadaobrasil.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com.

The registrars with which the disputed domain names are registered are jointly referred to below as the “Registrars”.

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 24, 2025. On March 25, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On March 25 and March 26, 2026, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondents (Domains By Proxy, LLC, Privacy Protect, LLC (PrivacyProtect.org), Privacy service provided by Withheld for Privacy ehf, REDACTED FOR PRIVACY, See PrivacyGuardian.org, and Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainants on March 31, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainants 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 disputed domain names are under common control. The Complainants filed an amended Complaint on April 4, 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 April 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 28, 2025. The Respondent Sp7kz, Souza Ribeiro sent an email communication to the Center on April 8, 2025. On the same date, the Center sent an email regarding a possible settlement to the Parties. The Complainants did not request a suspension to explore settlement options with the Respondents. None of the Respondents submitted any formal response by the response due date. Accordingly, the Center informed the Parties of the commencement of the Panel Appointment Process on April 30, 2025. On April 30 and May 1, 2025, the Respondent Sp7kz, Souza Ribeiro sent email communications to the Center.

The Center appointed Assen Alexiev as the sole panelist in this matter on May 7, 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 First Complainant is a French public limited company established in 1959. It is one of the worldwide leaders in retail and a pioneer of the concept of hypermarkets back in 1968. It operates more than 14,000 stores in more than 40 countries with more than 500,000 employees, and has millions of daily unique visitors in its stores.

The Second Complainant is a Brazilian chain of wholesale and retail stores established in 1960 and was acquired by the First Complainant in 2007. The Second Complainant has over 300 stores and distribution centers and more than 70,000 employees in all Brazilian states.

The First Complainant is the owner of the European Union trademark ATACADAO with registration No. 012020194, registered on May 24, 2015 for services in International Class 35.

The Second Complainant is the owner of the following trademark registrations for the signs “ATACADAO” or “ATACADÃO”:

– the Brazilian trademark ATACADÃO with registration No. 006785360, registered on October 10, 1978 for goods in International Class 29;

- the Brazilian trademark ATACADÃO with registration No. 006785344, registered on October 10, 1978 for goods in International Class 29; and
- the Brazilian trademark ATACADA0 with registration No. 006937497, registered on May 25, 1979 for services in International Class 35.

The above trademark registrations of the First and Second Complainants are jointly referred to as the “ATACADA0 trademark”.

The Second Complainant is also the owner of the Brazilian trademark CARTÃO ATACADÃO with registration No. 840880359, registered on July 24, 2018 for services in International Class 36 (the “CARTÃO ATACADÃO trademark”).

The Complainants, directly or through their subsidiaries, also own the domain names <atacadao.com.br>, registered on October 9, 1997, and <cartaoatacadao.com.br>, registered on July 24, 2015.

The disputed domain names are currently inactive. At the time of filing of the Complaint, the disputed domain names were also inactive, except for the disputed domain name <cartao-doatacadao.site>, which directed to a parking webpage of the Registrar.

The details about the dates of registration of the disputed domain names, the Registrars and registrants, are included in the table that follows:

Disputed domain name	Registration date	Registrar	Registrant
<atacadaocard.site>	February 27, 2025	Hostinger Operations, UAB	Alvaro Miguel
<pagseguro-atacadao.shop>	February 27, 2025	Hostinger Operations, UAB	Alvaro Miguel
<seu-atacadaocard.shop>	February 27, 2025	Hostinger Operations, UAB	Alvaro Miguel
<cartaoatacadao.site>	February 26, 2025	Hostinger Operations, UAB	Mel Silva
<pagamento-atacadao.online>	March 10, 2025	Hostinger Operations, UAB	IDV Pagamentos
<atacadao-cartao.com>	February 27, 2025	NameCheap, Inc.	Luciano Alves
<validacaodeacessoatacadao.site>	February 26, 2025	NameCheap, Inc.	Ana Paula Lista Bernardi, ANPL LTDA
<cartaoatacadaobrasil.site>	February 27, 2025	NameSilo, LLC	SP7KZ, Souza Ribeiro
<cartao-atacadao.com>	February 26, 2025	Tucows Domains Inc.	Host Master, Njalla Okta LLC
<seucartaoatacadao.com>	February 26, 2025	Tucows Domains Inc.	Host Master, Njalla Okta LLC
<cartao-doatacadao.shop>	February 28, 2025	GoDaddy.com, LLC	ALESSANDRO FABIO MARTIM
<cartao-doatacadao.site>	February 28, 2025	GoDaddy.com, LLC	ALESSANDRO FABIO MARTIM
<solicitar-cartaoatacadaobrasil.com>	March 6, 2025	PDR Ltd. d/b/a PublicDomainRegistry.com	Glauco Oda

## **5. Parties' Contentions**

### **A. Complainants**

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

The Complainants state that the disputed domain names are confusingly similar to their ATACADAO trademark, because they reproduce this trademark in its entirety as their only distinctive element, in combination with one or more dictionary words such as "card", "cartao" (Portuguese for "card"), "brasil", and "pagamento" (Portuguese for "payment"), whose inclusion does not diminish the likelihood of confusion with the Complainants' trademarks. The Complainants also state that the disputed domain names <atacadoo-cartao.com>, <cartao-atacadoo.com>, <cartaoatacadoo.site>, <cartaoatacadaobrasil.site>, <cartao-doatacadoo.shop>, <cartao-doatacadoo.site>, <seucartaoatacadoo.com>, and <solicitar-cartaoatacadaobrasil.com> are also confusingly similar to their CARTÃO ATACADÃO trademark, and that the inversion of the word elements of this trademark and the use of the letter "a" instead of "ã" does not diminish the confusing similarity with their trademarks. The Complainants further note that the inclusion of a hyphen in the disputed domain names <atacadoo-cartao.com>, <cartao-atacadoo.com>, <cartao-doatacadoo.shop>, <cartao-doatacadoo.site>, <pagamento-atacadoo.online>, <pagseguro-atacadoo.shop>, <seu-atacadaocard.shop>, and <solicitor-cartaoatacadaobrasil.com> also does not diminish the confusing similarity with their trademarks.

According to the Complainants, the Respondents have no rights or legitimate interests in respect of the disputed domain names, because they have no relevant trademark rights, are not commonly known by the disputed domain names, and have not been authorized by the Complainants to use their trademarks, whose adoption and extensive use predates by far the registration of the disputed domain names. The Complainants assert that the Respondents have not used the disputed domain names for a bona fide offering of goods or services and are not making any legitimate non-commercial or fair use of them.

According to the Complainants, the disputed domain names carry a high risk of implied affiliation with the Complainants and are likely to mislead Internet users as they impersonate the Complainants or suggest sponsorship or endorsement by them, and there is no plausible use of the disputed domain names that would be legitimate, fair and noncommercial.

The Complainants contend that the disputed domain names were registered and are being used in bad faith. They submit that the Respondents' choice of disputed domain names cannot have been accidental, and that the Respondents had the Complainants and their trademarks in mind when they registered the disputed domain names most likely in the hope and expectation to attract Internet users searching for the Complainants.

The Complainants note that their trademark registrations significantly predate the registration dates of the disputed domain names, and that a quick trademark search or search engine query would have revealed to the Respondents the existence of the Complainants and their trademarks. The Complainants add that the disputed domain names are not actively used, but their non-use does not prevent a finding of bad faith under the doctrine of passive holding, as they carry a high risk of implied affiliation with the Complainants and are likely to mislead Internet users.

### **B. Respondents**

None of the Respondents formally replied to the Complainants' contentions.

In informal letters from April 8, 30 and May 1, 2025, the Respondent SP7KZ, Souza Ribeiro, registrant of the disputed domain name <cartaoatacadaobrasil.site>, apologized for the misuse of the Complainants' trademarks in this disputed domain name, recognized that its use was not legitimate and stated that its registration was an unintentional mistake, that it had never used this disputed domain name and had contacted the Registrar to delete its registration.

No communications were received from the other Respondents.

## **6. Discussion and Findings**

### **6.1. Procedural issue – Consolidation of the Complainants**

Under paragraph 10(e) of the Rules, a Panel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and the Rules.

As discussed in section 4.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), a complaint may be brought by multiple complainants where (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.

In this proceeding, the Complaint has been submitted jointly by the two Complainants. They are affiliated to each other and have a common interest in the ATACADAO and CARTÃO ATACADÃO trademarks. They also describe a common grievance against the Respondent where it has allegedly engaged in a conduct that has affected their rights. The Respondents have not expressed any views on the issue of consolidation of the Complainants, and it appears to the Panel that it would be procedurally efficient and equitable for the Complainants to be consolidated.

Taking the above into account, and on the basis of paragraph 10(e) of the Rules, the Panel allows the consolidation of the Complainants in this proceeding.

### **6.2. Procedural issue – Consolidation of the Respondents**

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules. In support of its consolidation request, the Complainant states that there is sufficient connection between all disputed domain names in terms of their naming composition, date of registration, choice of registrar, disclosed registrant information and use.

The disputed domain name registrants did not comment on this consolidation 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 the disputed domain names or corresponding websites are subject to common control, and whether the consolidation would be fair and equitable to all Parties. See [WIPO Overview 3.0](#), section 4.11.2.

As regards common control, the Panel notes that all disputed domain names were registered within a very short period in February and March 2025, that all of them share a similar naming pattern, combining the ATACADAO trademark with dictionary words that relate to payment systems or operations (such as "cartao", "card", "pagamento" and "pagseguro", etc.), that all of the disputed domain names are not actively used, that all the Respondents, except for Host Master, Njalla Okta LLC, appear to be resident in Brazil, that

the Respondent Host Master, Njalla Okta LLC was involved in another case (*EFG Bank European Financial Group SA v. Ms. Prudence Deckow, Host Master, Njalla Okta LLC*, WIPO Case No. [D2024-4405](#)), in which the panel found the domain names were under common control, and that several Respondents' physical addresses only contain a street name, a city name and a country name, and one of the Respondents' email addresses could not be delivered, which shows the Respondents' intention to use incomplete or false contact details. In the absence of any denial or allegation to the contrary, this satisfies the Panel on balance that it is likely that the Respondents are under common control.

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

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

### **6.3. Substantive issues**

#### **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 Complainants have shown rights in respect of the ATACADAO and CARTÃO ATACADÃO trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. In addition to each of them having its own registration of the ATACADAO trademark, they are affiliates, and as discussed in section 1.4.1 of the [WIPO Overview 3.0](#), a trademark owner's affiliate such as a subsidiary of a parent or of a holding company, or an exclusive trademark licensee, is considered to have rights in a trademark under the UDRP for purposes of standing to file a complaint.

The Panel finds the ATACADAO trademark is recognizable within all of the disputed domain names, and the CARTÃO ATACADÃO trademark is recognizable in the disputed domain names <atacadoo-cartao.com>, <cartao-atacadoo.com>, <cartaoatacadoo.site>, <cartaoatacadaobrasil.site>, <cartao-doatacadoo.shop>, <cartao-doatacadoo.site>, <seucartaoatacadoo.com>, and <solicitar-cartaoatacadaobrasil.com> even though they use the letter "a" instead of "ã". Accordingly, the disputed domain names are confusingly similar to the ATACADAO trademark or the CARTÃO ATACADÃO trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel therefore finds that 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 Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has not rebutted the Complainants' 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.

All 13 disputed domain names are confusingly similar to the ATACADAO trademark and eight of them are also confusingly similar to the CARTÃO ATACADÃO trademark. They carry a risk of implied affiliation to the Complainants. The Respondent has not denied the Complainants' allegations and have not provided any plausible explanation for the registration of so many domain names within such a short period and how it intends to use them. In this situation, it appears as more likely than not to the Panel that the disputed domain names have been registered targeting the Complainants in an attempt to confuse and attract Internet users to any potential future websites associated with the disputed domain names, or to prevent the Complainants from reflecting their trademarks in corresponding domain names. Such conduct would not be legitimate and would not give rise to rights or legitimate interests of the Respondent in the disputed domain names.

The Panel therefore finds that 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.

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 Complainants' ATACADAO trademark and CARTÃO ATACADÃO trademark were registered well before the registration of the disputed domain names which are confusingly similar to the ATACADAO trademark or the CARTÃO ATACADÃO trademark. The disputed domain names do not resolve to any websites that have been actively used. 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. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainants' ATACADAO and CARTÃO ATACADÃO trademarks, the total number of the disputed domain names registered by the Respondent and their composition, which creates the risk of implied affiliation with the Complainants, and the absence of any formal Response in the proceeding. In these circumstances, the Panel finds that the non-use of the disputed domain names in this case does not prevent a finding of bad faith. Having reviewed the available record, the Panel finds the Respondent has registered and used the disputed domain names in bad faith.

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 <atacadaocard.site>, <atacado-cartao.com>, <cartaoatacadaobrasil.site>, <cartao-atacado.com>, <cartaoatacado.site>, <cartao-doatacado.shop>, <cartao-doatacado.site>, <pagamento-atacado.online>, <pagseguro-atacado.shop>, <seu-atacadaocard.shop>, <seucartaoatacado.com>, <solicitar-cartaoatacadaobrasil.com>, and <validacaodeacessoatacado.site> be transferred to the Complainants.

*/Assen Alexiev/*

**Assen Alexiev**

Sole Panelist

Date: May 19, 2025