

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Jimmie Gaines and felix zomoro, fastservice
Case No. D2025-1232

1. The Parties

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

The Respondents are Jimmie Gaines, and felix zomoro, fastservice, United States of America.

2. The Domain Names and Registrar

The disputed domain names <avisocarrefourpass.com>, <avisoscarrefourpass.com>, <ayudascarrefourpass.info>, <carrefourpass-aviso.info>, <carrefourpasscliente.info>, <carrefourpassconfirme.info>, <confirmacarrefourpass.info>, and <usuarioscarrefourpass.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 26, 2025. On March 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On March 27, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondents are listed as the registrant and providing the contact details.

The Center sent an email communication to the Complainant on March 31, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) 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 Complainant filed an amended Complaint on April 1, 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 Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on May 6, 2025.

The Center appointed Kateryna Oliynyk as the sole panelist in this matter on May 12, 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 a retail company that introduced the hypermarket concept in 1968. As of 2023, it reported revenue of EUR 84.9 billion and is listed on the CAC 40 index of the Paris Stock Exchange. The Complainant operates over 14,000 stores in more than 40 countries and employs more than 500,000 people. It also offers services in travel, banking, insurance, and ticketing.

The Complainant is the holder of a number of registrations for the CARREFOUR trademark worldwide, including the following trademark registrations:

- International Trademark Registration No. 351147 for CARREFOUR, registered on October 2, 1968, for goods in International Classes 1 to 34;
- International Trademark Registration No. 353849 for CARREFOUR, registered on February 28, 1969, for services in International Classes 35 to 42;
- European Union Trademark Registration No. 5178371 for CARREFOUR, registered on August 30, 2007, for goods and services in International Classes 9, 35, and 38; and
- International Trademark Registration No. 719166 for CARREFOUR PASS, registered on August 18, 1999, registered for services in International Class 36.

(herein collectively the "CARREFOUR trademark").

The previous panels have recognized the reputation of the CARREFOUR trademark.

The Complainant is also the owner of numerous domain names identical to, or comprising, its CARREFOUR trademark, both within generic and country code Top-Level Domains, such as <carrefour.com> and <carrefour.fr>.

The disputed domain names were registered between February 20 and March 11, 2025, and each resolves to an inactive page or under construction page.

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.

Identical or Confusingly Similar

The Complainant states that the disputed domain names are confusingly similar with the Complainant's CARREFOUR trademark as the disputed domain names include the Complainant's CARREFOUR trademark in its entirety.

The Complainant further contends that the addition of generic terms such as “aviso(s)”, “ayudas”, “cliente”, “confirme/a” and “usuarios” to the Complainant’s CARREFOUR trademark (which specifically includes the CARREFOUR PASS trademark) in the disputed domain names does not preclude confusion between the Complainant’s trademarks and the disputed domain names.

Rights or legitimate interests

The Complainant contends that the Respondents lack any rights or legitimate interests in the disputed domain names.

According to the Complainant’s contentions, the Respondents have not used the disputed domain names in connection with a bona fide offering of goods or services, and has not been authorized, licensed, or otherwise permitted by the Complainant to register the disputed domain names.

The Complainant further claims that the disputed domain names are inherently likely to mislead Internet users, and their specific composition carries a risk of implied affiliation with the Complainant which cannot constitute fair use as they effectively impersonate or suggest sponsorship or endorsement by the Complainant.

Registration and Use in Bad Faith

The Complainant further contends that the Complainant’s trademark registrations predate the registration of the disputed domain names. Prior panel decisions have found that awareness of a complainant’s trademark at the time of domain registration can indicate bad faith. The Respondent knew or should have known about the Complainant’s prior rights when registering and using the disputed domain names.

The Complainant further contends that the disputed domain names are not being used and are not associated with any active website. The non-use of a domain name does not prevent a finding of bad faith under the doctrine of passive holding.

B. Respondents

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

6. Discussion and Findings

6.1. Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or 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.

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.

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”.

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.

The record indicates that the disputed domain names are more likely than not under common control. The following facts support this conclusion:

- the disputed domain names were registered through the same Registrar;
- the disputed domain names were registered over a short period of around three weeks;
- each of the disputed domain names shares the same naming pattern, incorporating the Complainant's CARREFOUR and CARREFOUR PASS trademarks with a term referring to the Complainant's activity; and
- none of the disputed domain names is associated with an active website.

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

The Respondents have not objected to the Complainant's request for consolidation.

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 matters

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

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

Considering that the Respondent did not reply to the Complainant's contentions, in order to determine whether the Complainant has met its burden as stated in paragraph 4(a) of the Policy, the Panel bases its decision on the statements and documents submitted in accordance with the Policy and the Rules.

Under paragraph 5(f) and paragraph 14(b) of the Rules, if a respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint, and where a party does not comply with any provision of the Rules, the Panel "shall draw such inferences therefrom as it considers appropriate".

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. [WIPO Overview 3.0](#), section 1.7.

The Complainant provided evidence of valid registrations of the CARREFOUR trademark in multiple jurisdictions.

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 CARREFOUR trademark is recognizable within the disputed domain names. The addition of other terms such as “aviso(s)” (“notice(s)”), “ayudas” (“help/assistance”), “cliente” (“client”), “confirme/a” (“confirm”) and “usuarios” (“users”) to the Complainant’s CARREFOUR trademark in the disputed domain names does not prevent a finding of confusing similarity between the Complainant’s trademark and the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the CARREFOUR trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

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.

The Panel notes that there is no evidence that the Respondent is commonly known under the CARREFOUR trademark.

Further, the Panel notes that neither license nor authorization appears to have been granted to the Respondent by the Complainant to make any use of the Complainant’s CARREFOUR trademark, or to apply for registration of the disputed domain names.

The Panel notes that the disputed domain names do not resolve to an active website and that there is no indication in the file that the Respondent could be linked to the Complainant by any kind of relationship. Such use does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use and cannot under the circumstances of this case confer on the Respondent any rights or legitimate interests in the disputed domain names. See, e.g., *Intesa Sanpaolo S.p.A. v. Charles Duke / Oneandone Private Registration*, WIPO Case No. [D2013-0875](#).

Accordingly, the Complainant has provided evidence supporting its prima facie claim that the Respondent lacks any rights or legitimate interests in the disputed domain names. The Respondent has failed to produce

countervailing evidence of any rights or legitimate interests in the disputed domain names. Thus, the Panel concludes that the Respondent does not have any rights or legitimate interests in the disputed domain names and the Complainant has met their burden under paragraph 4(a)(ii) of the Policy.

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.

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 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. The Panel is satisfied that the Respondent must have been aware of the Complainant's CARREFOUR trademark when it registered the disputed domain names. In accordance with section 3.1.4 of the [WIPO Overview 3.0](#), the Panel considers that the mere registration of the disputed domain names that are confusingly similar to the Complainant's well-known CARREFOUR trademark by the Respondent, an unaffiliated entity with the Complainant, can by itself create a presumption of bad faith.

The Respondent, when registering the disputed domain names, has targeted the Complainant's business and its CARREFOUR trademark with the intention to confuse Internet users and capitalize on the fame of the Complainant's trademark. The fact that there is a clear absence of rights or legitimate interests coupled with no credible explanation for the Respondent's choice of the disputed domain names is also a significant factor to consider that the disputed domain name was registered in bad faith (as stated in section 3.2.1 of the [WIPO Overview 3.0](#)).

The disputed domain names are not actively used. 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 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 <avisocarrefourpass.com>, <avisoscarrefourpass.com>, <ayudascarrefourpass.info>, <carrefourpass-aviso.info>, <carrefourpasscliente.info>, <carrefourpassconfirme.info>, <confirmacarrefourpass.info>, and <usuarioscarrefourpass.info> be transferred to the Complainant.

/Kateryna Oliinyk/

Kateryna Oliinyk

Sole Panelist

Date: May 26, 2025