

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. daniel alves pereira, ARMAZEM DA ROCA HORTIFRUTI LTDA

Case No. D2025-1581

1. The Parties

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

The Respondent is daniel alves pereira, ARMAZEM DA ROCA HORTIFRUTI LTDA, Brazil.

2. The Domain Name and Registrar

The disputed domain name <br-cartaocarrefour.online> (the “Disputed Domain Name”) is registered with Hosting Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 18, 2025. On April 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 23, 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 (Undisclosed / Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 29, 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 May 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 Respondent of the Complaint, and the proceedings commenced on May 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 26, 2025.

The Center appointed Flip Jan Claude Petillion as the sole panelist in this matter on May 30, 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 listed on the Paris Stock Exchange index in France. The Complainant operates 12,000 stores in more than 30 countries around the world and has over 384,000 employees.

The Complainant is the owner of several trademarks, including the following:

- CARREFOUR, international trademark No. 351147 registered on October 2, 1968, covering products and services in classes 1 to 34;
- CARREFOUR, international trademark No. 353849 registered on February 28, 1969, covering products and services in classes 35 to 42.

The Complainant is also the owner of several domain names pointing to its official websites, including the following:

- <carrefour.fr>;
- <carrefour.com>.

The Disputed Domain Name was registered on February 8, 2025. The Disputed Domain Name does not appear to resolve to an active web 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 Name.

Notably, the Complainant contends that the Disputed Domain Name is confusingly similar to a trademark in which it claims to have rights, as it incorporates the Complainant's mark in its entirety. The Complainant claims that the additional terms "br" and "cartao" are descriptive or geographic in nature and the inclusion of such terms only reinforces the association with the Complainant and increases the likelihood of confusion among Internet users, who may believe the Disputed Domain Name is related to an official initiative or service of the Complainant in Brazil.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name as:

- the Respondent has never been authorized by the Complainant to use the trademark CARREFOUR in any manner;
- the Disputed Domain Name resolves to an error page and is not being actively used for any legitimate offering of goods or services;
- the composition of the Disputed Domain Name, combining the Complainant's well-known trademark CARREFOUR with the Portuguese term "cartao" (meaning "card") and the abbreviation "br" (commonly denoting Brazil), strongly suggests an intention to falsely associate with the Complainant's trademarked services;
- there is no evidence that the Respondent has been commonly known by the Disputed Domain Name;

- the Respondent does not appear to have made any noncommercial or fair use of the Disputed Domain Name;
- no plausible legitimate interest can be inferred from the Respondent's choice of the Disputed Domain Name or conduct.

Finally, the Complainant claims that the Disputed Domain Name was registered and is being used in bad faith. In summary, according to the Complainant:

- it is very likely that the Respondent was aware of the Complainant and its trademark CARREFOUR at the time of registration of the Disputed Domain Name;
- the composition of the Disputed Domain Name is not coincidental, it suggests an intent to imitate or associate with the Complainant's Brazilian operations, particularly services such as loyalty or credit cards offered under the CARREFOUR trademark;
- the Respondent registered the Disputed Domain Name using a privacy or proxy service to conceal its identity, which may support a finding of bad faith when combined with other factors;
- the non-use of a domain name does not prevent a finding of bad faith under the doctrine of passive holding, particularly in cases involving well-known trademarks and circumstances pointing to an absence of legitimate use.

B. Respondent

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

6. Discussion and Findings

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.

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 observes that the entirety of the CARREFOUR mark is reproduced within the Disputed Domain Name. In such cases, the domain name will normally be considered confusingly similar to the incorporated mark for purposes of UDRP standing. [WIPO Overview 3.0](#), section 1.7.

Additionally, the Panel finds that the addition of other terms – here, “br-cartao” – 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.

It is well established that generic Top-Level-Domains (“gTLDs”), here “.online”, may be disregarded when considering whether the Disputed Domain Name is confusingly similar to a trademark in which the Complainant has rights. [WIPO Overview 3.0](#), section 1.11.

Based on the available record, 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 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 Respondent has not apparently been commonly known by the Disputed Domain Name. According to the information provided by the Registrar, the Respondent is “daniel alves pereira, ARMAZEM DA ROCA HORTIFRUTI LTDA”. The Respondent’s use and registration of the Disputed Domain Name was not authorized by the Complainant.

Where a domain name consists of a trademark plus an additional term, 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 Disputed Domain Name incorporates the Complainant’s CARREFOUR trademark in its entirety and merely adds a hyphen and the terms “br” and “cartao”. In the Panel’s view, the first term may be considered as the abbreviation for “Brazil” and the second as the Portuguese word for “card”. In combination with the Complainant’s mark, the Panel finds that these terms can be associated with the Complainant’s business in Brazil, particularly services such as loyalty or credit cards offered under the CARREFOUR trademark. According to the Panel, the Disputed Domain Name carries a risk of implied affiliation with the Complainant and cannot constitute fair use.

Beyond looking at the disputed domain name and the nature of any additional terms appended to the mark, UDRP panels also assess whether the overall facts and circumstances of the case, and the absence of a response, support a fair use or not. [WIPO Overview 3.0](#), sections 2.5.2 and 2.5.3.

The Disputed Domain Name does not appear to resolve to an active web page. In the Panel’s view, this does not amount to any legitimate noncommercial or fair use or use in connection with a bona fide offering of goods and services either.

The Respondent had the opportunity to demonstrate rights or legitimate interests but did not do so. In the absence of a Response from the Respondent, the prima facie case established by the Complainant has not been rebutted.

Based on the available record, 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.

The Panel finds that the following circumstances serve as indication of bad faith registration and use:

- the Disputed Domain Name incorporates the Complainant’s trademark in its entirety, and combines it with terms which can be linked to the Complainant’s business;

- numerous previous UDRP decisions confirm the well-known character of the Complainant's CARREFOUR mark;
- several of the Complainant's trademarks predate the registration of the Disputed Domain Name by more than 50 years;
- the Respondent did not take part in the administrative proceedings.

Given the totality of the circumstances discussed above, the fact that the Disputed Domain Name resolves to an inactive webpage would not prevent a finding of bad faith under the doctrine of passive holding.

[WIPO Overview 3.0](#), section 3.3.

Based on the available record, 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 <br-cartaocarrefour.online> be transferred to the Complainant.

/Flip Jan Claude Petillion/

Flip Jan Claude Petillion

Sole Panelist

Date: June 13, 2025