

## **ADMINISTRATIVE PANEL DECISION**

Carrefour SA v. Darwin Simatupang, Holy Wings  
Case No. D2025-1771

### **1. The Parties**

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

The Respondent is Darwin Simatupang, Holy Wings, Indonesia.

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

The Disputed Domain Name <carrefoursuditalia.com> is registered with Top Level Domains LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 2, 2025. On May 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 2, 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.

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 May 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 27, 2025.

The Center appointed Purvi Patel Albers as the sole panelist in this matter on June 3, 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 French société anonyme with headquarters in Paris, France. Since 1968, the Complainant has operated supermarket and retail stores in France, providing a broad range of consumer goods such as food and non-food products, household supplies, and more. Today, the Complainant operates in over 30 countries, with more than 384,000 employees worldwide, and has expanded its offerings to include travel, banking, insurance, and ticketing services.

The Complainant has used CARREFOUR (the “mark”) as early as 1968 and has since amassed hundreds of trademark registrations for the mark around the world. The Complaint includes evidence of ownership of registrations for CARREFOUR, such as United States of America Registration No. 6,763,415 (registered on June 21, 2022), European Union Registration No. 008779498 (registered on July 13, 2010), French Registration No. 1565338 (registered on May 25, 1990), and International Registration No. 351147 (registered on October 2, 1968).

The Complainant has a demonstrated Internet presence and has several registered domain names that incorporate the CARREFOUR mark, such as <carrefour.com> and <carrefour.fr>, which, respectively, were registered on October 25, 1995, and June 23, 2005. The Complainant uses these domain names to promote its company as well as to provide information about its supermarket locations and global offerings.

The Disputed Domain Name was registered by the Respondent on April 9, 2025, and resolved to a website written in Indonesian. The website broadcasted, or at least purported to broadcast, Sydney’s lottery results. Several links on the website then redirected consumers to what appeared to be a third-party online gambling website, <nenektogel4ddgv5.com>.

As of the time of writing this decision, the Disputed Domain Name is no longer active.

#### **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 it has rights to the CARREFOUR mark due to the registrations cited above. The Complainant asserts that the Disputed Domain Name is confusingly similar to the mark because the Disputed Domain Name incorporates the mark in its entirety and merely includes the geographic terms “sud” and “italia,” which translate to “south” and “Italy” in Italian. The Complainant further asserts that the geographic terms are insufficient to dispel confusion between the Disputed Domain Name and the CARREFOUR mark because of the Complainant’s commercial activities in that geographic region.

The Complainant also contends that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The Complainant asserts there is no evidence that demonstrates that the Respondent has acquired any trademark rights to the CARREFOUR mark or that the Respondent is known by the Disputed Domain Name. The Complainant further asserts that the Respondent is not associated with the Complainant, is not a partner, distributor, or licensee of the Complainant, and is not authorized to use or register the Disputed Domain Name by the Complainant.

The Complainant further contends that the Respondent is not using the Disputed Domain Name in connection with a bona fide offering of goods or services nor in a legitimate noncommercial or fair manner because the Disputed Domain Name first appears to broadcast lottery results before redirecting consumers to a different gambling website.

Finally, the Complainant contends that the Disputed Domain Name was registered and is being used in bad faith because, among other things, the Respondent either (i) registered and is using the Disputed Domain Name to profit from the Complainant's reputation by misleading Internet users, or (ii) registered and is using the Disputed Domain Name to resell it to the Complainant or prevent the Complainant from using it. The Complainant asserts that - given its Internet presence and established trademark rights in the mark - it is very likely that the Respondent had knowledge of the Complainant's well-known mark when registering the Disputed Domain Name.

## **B. Respondent**

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

## **6. Discussion and Findings**

In accordance with paragraph 4(a) of the Policy, to succeed in this dispute, the Complainant must establish that:

- i. the Disputed Domain Name is identical or confusingly similar to a trademark in which the Complainant has rights;
- ii. the Respondent has no rights or legitimate interests in respect of 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 for purposes of the Policy through various trademark registrations, including those cited above. Thus, the Complainant has provided *prima facie* evidence of trademark rights. [WIPO Overview 3.0](#), section 1.2.1.

The Panel also finds that the Disputed Domain Name is confusingly similar to the Complainant's CARREFOUR mark. Where a domain name incorporates the entirety of a trademark, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing. [WIPO Overview 3.0](#), section 1.7. Here, the entirety of the CARREFOUR mark is reproduced within the Disputed Domain Name, which merely adds the geographically descriptive terms "sud" and "italia." Accordingly, the Panel finds that the mark is clearly recognizable within the Disputed Domain Name, and the Disputed Domain Name is thus confusingly similar to the mark.

Although the addition of the other terms, such as "sud" and "italia", may bear on the assessment of the second and third elements, the Panel finds the addition of such geographic terms here does not preclude a finding of confusing similarity between the Disputed Domain Name and the CARREFOUR mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8 ("Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, *geographical*, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element") (emphasis added).

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.

When the Respondent has not disputed the facts as presented by the Complainant, the Respondent’s failure to submit a Response does not automatically result in a decision in favor of the Complainant. See [WIPO Overview 3.0](#), section 4.3. Failure to respond, however, may result in the Panel drawing certain inferences from the Complainant’s evidence. See e.g., *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. [D2009-1437](#). In addition, the Panel may accept all reasonable supported allegations and inferences flowing from the Complaint as true. See *MCI GROUP HOLDING SA v. vendo chocolate, xny*, WIPO Case No. [D2024-4567](#); *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. [D2000-0403](#).

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 for several reasons.

First, the Disputed Domain Name was registered as recently as April 9, 2025, more than 50 years after the Complainant registered and began using the mark. The Complainant has not authorized the Respondent to use said mark or register a domain name incorporating it. There is also no evidence showing that the Respondent is, or has been, known as “carrefoursuditalia” or similar.

Second, it appears that the online gambling services offered through the Respondent’s website are illegal under Indonesian law. See e.g., *Herr Foods Inc. v. virken irawan*, WIPO Case No. [D2023-0810](#) (“[I]t appears that the provision of online gambling services of the kind offered through the Respondent’s website is illegal under Indonesian law.”); *Toyota Motor Sales, U.S.A., Inc. v. Privacy Service Provided by Withheld for Privacy ehf / lexus mpo168*, WIPO Case No. [D2022-2413](#) (“The Respondent’s Websites are, in terms of language and currency, directed at Indonesia. Gambling is illegal in Indonesia.”). Panels have held that using a domain name for illegitimate and illegal services, as seen here, can never confer rights or legitimate interests on a Respondent. [WIPO Overview 3.0](#), section 2.13.1.

Nevertheless, even if such gambling services are legitimate, it appears that the Respondent attempted to mislead or confuse consumers by suggesting that the Disputed Domain Name is affiliated with the Complainant. Given that there is no evidenced relationship between the Parties, such use cannot be considered bona fide nor valid non-official use. See e.g., *Lloyds Bank Plc v. Marc Wiese*, WIPO Case No. [D2015-0914](#).

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.

Accordingly, 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 particular, 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; however, the totality of the 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.

In the present case, the Panel finds the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy for several reasons.

First, the mere registration of a domain name, by an unaffiliated entity, that is identical or confusingly similar to a widely known trademark can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4. As discussed above, the Disputed Domain Name is confusingly similar to the Complainant's trademarks, and several panels have found the CARREFOUR mark to be widely known worldwide. See e.g., *Carrefour SA v. Sophia Case*, WIPO No. [D2024-3088](#) ("[T]he Complainant's CARREFOUR trademark is widely known and has a long-lasting worldwide reputation."); *Carrefour SA v. WhoisGuard, Inc. / Jes Madsen*, WIPO Case No. [D2020-0902](#) ("As stated by several panels in past UDRP decisions, CARREFOUR can be considered as a well-known trademark."); *Carrefour SA v. João Pedro*, WIPO Case No. [D2024-2895](#) ("[T]he Panel is satisfied that the CARREFOUR trademark has been intensively used and is therefore well known, as confirmed by many previous UDRP panels.").

Second, given the widely known and distinctive nature of the Complainant's mark, it is reasonable to infer that - when registering the Disputed Domain Name - the Respondent must have known, or upon a reasonable search, should have known that it would be confusingly similar to the Complainant's mark. See e.g., *Yves Saint Laurent, SAS v. shenxingyu*, WIPO Case No. [D2018-2589](#); see also [WIPO Overview 3.0](#), section 3.2.2 ("[P]articularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark...., panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark."). Indeed, the Disputed Domain Name was registered on April 9, 2025 - decades after the Complainant received its initial French trademark registration for CARREFOUR in 1968. Moreover, since 1968 and prior to the registration of the Disputed Domain Name, the Complainant obtained hundreds of registrations for CARREFOUR and has maintained a notable Internet presence displaying the mark. As prior panels have specifically noted regarding use of the CARREFOUR mark, "the briefest of Internet searches would have revealed those facts in any case." *Carrefour SA v. Rosa Franciscko and Batisto Perera, Consum S.L.*, WIPO Case No. [D2024-1088](#). Therefore, it is improbable that the Respondent was unaware of the Complainant or its exclusive rights in the mark when it registered the Disputed Domain Name, further supporting a strong inference of bad faith. See e.g., *Yves Saint Laurent, SAS v. shenxingyu*, WIPO Case No. [D2018-2589](#).

Additionally, it would be improbable to believe that the Respondent selected and used the Disputed Domain Name for any other purpose than to take advantage of the reputation and notoriety of the Complainant's marks by attempting to divert Internet users towards its own website. After all, the Disputed Domain Name includes the Complainant's mark in its entirety and merely adds the geographic terms "sud" and "italia." Prior panels have consistently found that such use demonstrates actual knowledge of the complainant's marks and supports a finding of bad faith. See e.g., *Publix Asset Management Company, Publix Super Markets, Inc. v. Kyle McClanahan*, WIPO Case No. [D2024-2880](#); *Lloyds Bank Plc v. Marc Wiese*, WIPO Case No. [D2015-0914](#). Coupled with the fact that the Complainant provides extensive retail and e-commerce services in southern Italy - the geographic region included the Disputed Domain Name - the inclusion of "sud" and "italia" alongside the CARREFOUR mark misleads Internet users and is likely to capture traffic from consumers searching for the Complainant's website and services offered in that particular region. See *Blanco GmbH + Co KG v. Traffic-Domain.com, Roy Lee*, WIPO Case No. [D2012-1799](#).

Therefore, and in light of the circumstances detailed above, 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 <carrefoursuditalia.com> be transferred to the Complainant.

*/Purvi Patel Albers/*

**Purvi Patel Albers**

Sole Panelist

Date: June 17, 2025