ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Carrefour SA, Atacadão S.A. v. Vinicius Ferraz
Case No. D2025-2114

1. The Parties

The Complainants are Carrefour SA, and Atacadão S.A., France (hereinafter, the "Complainant"), represented by IP Twins, France.

The Respondent is Vinicius Ferraz, Brazil.

2. The Domain Names and Registrar

The disputed domain names <atacadaocartao.lat> and <cardcreditatacadao.lat> are registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 28, 2025. On May 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 2, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 2, 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 June 3, 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 June 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 25, 2025.

The Center appointed Erick Iriarte as the sole panelist in this matter on June 27, 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

Complainants are Carrefour SA, a worldwide retail company and Atacadão S.A. is a Brazilian wholesale and retail stores. Atacadão S.A. is part of Carrefour Group.

The Complaint is the owner of several ATACADAO, ATACADÃO and CARTÃO ATACADÃO trademarks, including trademarks in European Union, Registration No. 012020194 for ATACADAO, registered on May 24, 2015, Brazil Registration No. 006785360 for ATACADÃO, registered on October 10, 1978 and Brazil Registration No. 840880359 for CARTÃO ATACADÃO, registered on July 24, 2018 (Annex 4, 5, 6, 7, 8 and 9 of Complaint) all registered before the registration of the disputed domain names.

The disputed domain name <atacadaocartao.lat> was registered on May 14, 2025. The disputed domain name <cardcreditatacadao.lat> was registered on May 15, 2025. The disputed domain names resolve to inactive websites.

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 that the disputed domain names are confusingly similar to its earlier well-known ATACADAO trademarks. Indeed, the disputed domain names reproduce the earlier ATACADAO trademarks of the Complainant together with the words "cartao," meaning (credit) "card" in Portuguese, and "card credit" in English. Furthermore, the disputed domain names respectively invert the word order and present a translation of the Complainant's trademarks in CARTÃO ATACADÃO.

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 names. 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 or service mark for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.The Panel finds the ATACADAO mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark 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.

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.

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 distinctiveness or 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 <atacadaocartao.lat> and <cardcreditatacadao.lat> be transferred to the Complainant.

/Erick Iriarte/
Erick Iriarte
Sole Panelist
Date: July 15, 2025