

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Rafael Boaventura Bugiato Faria
Case No. D2025-2270

1. The Parties

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

The Respondent is Rafael Boaventura Bugiato Faria, Brazil.

2. The Domain Name and Registrar

The disputed domain name <carrefourmercado.online> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 11, 2025. On June 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 13, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 13, 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 13, 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 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 7, 2025.

The Center appointed Zoltán Takács as the sole panelist in this matter on July 11, 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 one of the worldwide leaders in retail and one of the first creators of the hypermarket concept.

With the turnaround of EUR 76 billion in 2018 the Complainant is listed on the Paris Stock Exchange (CAC 40) index and operates more than 12,000 stores in over 30 countries.

The Complainant owns numerous trademark registrations around the world for the mark CARREFOUR, by way of example the International Trademark Registration No. 563304 registered on November 6, 1990.

The Complainant maintains online presence through among others its website “www.carrefour.com”, with the corresponding domain name being registered since October 25, 1995.

The disputed domain name was registered on May 12, 2025 and has been resolving to a landing page displaying “Carrefour Mercado” with a link “Contact Us” and, later to a Portuguese language webpage asking users to input their full name, email address and personal identification number in order to generate a QR code that would allow making a payment via PIX, a Brazilian instant payment system.

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 which incorporates its CARREFOUR trademark in its entirety is confusingly similar to it since the addition of the term “mercado” is not sufficient to prevent the trademark from being recognizable;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name and is unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii) or (iii) or the Policy; and
- since the Complainant’s trademark is extensively used in many countries, including in Brazil which appears to be country of the Respondent’s residence, it is very likely that the Respondent knew of it at the time of registration and has registered the disputed domain name to suggest false affiliation with the Complainant.

The Complainant requests that the disputed domain name be transferred from the Respondent to the Complainant.

B. Respondent

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

6. Discussion and Findings

In order to succeed on a complaint, a complainant must evidence each of the three elements required by paragraph 4(a) of the Policy, namely that:

- (i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) the 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 or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The CARREFOUR trademark is reproduced and is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of the term "mercado" (meaning "market" in Portuguese) may bear on assessment of the second and third elements, the Panel finds that the addition of such term 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.

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 the 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 Complainant has submitted sufficient and uncontested evidence that it holds well-established prior rights in the CARREFOUR trademark. The Complainant has never authorized the Respondent to use its trademark, in a domain name, or otherwise.

As mentioned above the disputed domain name has been used to resolve to a Portuguese language webpage asking users to input their full name, email address and personal identification number in order to generate a QR code that would allow making a payment via PIX, a Brazilian instant payment system.

Given the confusing similarity between the disputed domain name and the Complainant's trademark, the absence of any relationship between the Respondent and the Complainant and the risk of implied affiliation with the Complainant, the Respondent's use of the disputed domain name to trade off the goodwill and reputation of the Complainant is neither a bona fide use nor a legitimate noncommercial or fair use.

The Panel 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.

Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

In the present case, the Panel notes that prior decisions under the UDRP established the well-known status of the Complainant's CARREFOUR trademark (see e.g. *Carrefour S.A. v. Marc Beck*, WIPO Case No. [D2022-2785](#)).

UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Furthermore, in view of the Panel, the Respondent's choice of the disputed domain name could not have been coincidental. It consists of the Complainant's well-known trademark with the mere addition of the term "mercado", which means "market" in Portuguese and points to the Complainant's primary industry of hypermarkets. Noting the above, coupled also the use to which the disputed domain name has been put, the Panel finds that the Respondent has registered and has been using the disputed domain name with the Complainant's rights in mind intending to create a likelihood of confusion and trade of the goodwill associated with the well-known CARREFOUR trademark. Such targeting is fraudulent and evidence of bad faith. [WIPO Overview 3.0](#), section 3.2.1.

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 <carrefourmercado.online> be transferred to the Complainant.

/Zoltán Takács/

Zoltán Takács

Sole Panelist

Date: July 22, 2025