

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. abnormal handheld
Case No. D2025-2424

1. The Parties

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

The Respondent is abnormal handheld, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <movil-carrefourpass.com> is registered with Sav.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 19, 2025. On June 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 19, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 23, 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 24, 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 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 21, 2025.

The Center appointed Paula Bezerra de Menezes as the sole panelist in this matter on July 24, 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 Carrefour, a worldwide leader in retail and a pioneer of the concept of hypermarkets back in 1968, with main address in France.

With a turnaround of EUR 76 billion in 2018, the Complainant is listed on the index of the Paris Stock Exchange (CAC 40). The Complainant operates more than 12,000 stores in more than 30 countries worldwide. It has more than 384,000 employees worldwide and 1.3 million daily unique visitors in its stores.

The Complainant also offers travel, banking, insurance, and ticketing services.

The Complainant is the owner of the following trademark registrations bearing the term CARREFOUR, amongst others:

- International trademark CARREFOUR No. 351147, registered on October 2, 1968, duly renewed, and designating goods in international classes 01 to 34;
- International trademark CARREFOUR No. 353849, registered on February 28, 1969, duly renewed and designating services in international classes 35 to 42;
- International trademark CARREFOUR PASS No. 719166, registered on August 18, 1999, duly renewed and designating services in international class 36.

The Panel has independently established, by running searches at the United States Patent and Trademark Office ("USPTO") database, that the Complainant, has an active trademark CARREFOUR, No. 6763415, in international class 35, registered on June 21, 2022, in the United States, which predates the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") section 4.8

The Complainant has registered domain names that reflect its trademark registrations, namely, <carrefour.com>, registered since 1995 and carrefourpass.com since 2010.

The disputed domain name is <movil-carrefourpass.com>, registered on June 12, 2025.

The Respondent was identified as "abnormal handheld", supposedly located in the United States, but without a physical address.

At the beginning of the procedure, the disputed domain name resolved to an error page displaying the information "Hmmm...can't reach this page".

At the time of the present decision, the Panel notes that the relevant website of the disputed domain name <movil-carrefourpass.com> resolves to a page displaying: "Warning. Suspected Phishing. This website has been reported for potential phishing. Phishing is when a site attempts to steal sensitive information by falsely presenting as a safe source."

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 its earlier well-known trademarks, reproducing the CARREFOUR and CARREFOUR PASS marks in their entirety, with the addition of the Spanish word "móvil." The word "móvil", which means "mobile" in Spanish, is frequently used as shorthand for "mobile phone".

Specifically, the Complainant contends that its Spanish website for the Carrefour Pass mobile application uses the word often to refer to the ability to execute payments using a mobile phone). Therefore, this term will enhance the likelihood of confusion, leading the Internet users of average attention to believe that the disputed domain name is affiliated with or endorsed by the Complainant.

The Complainant further argues that the use of lower-case letter format and the addition of the generic Top-Level Domain (“gTLD”) “.com” are not significant in determining whether the disputed domain name is identical or confusingly similar to the international trademarks of the Complainant. Besides, in many UDRP decisions, panels considered that the incorporation of a well-known trademark in its entirety may be sufficient to establish that the domain name is confusingly similar to the complainant’s trademark. In support of this argument, the Complainant mentioned a case decided in its favor (WIPO case No. D2020-1798).

The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name because:

- i) It performed searches and found no evidence that Abnormal Handheld owns any CARREFOUR trademark. The findings show that the Respondent has acquired no trademark, which could have granted the Respondent rights in the disputed domain name. Furthermore, the Complainant has found no evidence that the Respondent is known by the disputed domain name. There is no evidence that the Respondent has been commonly known by the disputed domain name as an individual, business, or other organization and the early Complaint presented soon after the registration of the disputed domain name, should prevent the Respondent from being commonly known by the disputed domain name;
- ii) The Respondent imitates the Complainant’s earlier registered trademarks CARREFOUR in the disputed domain name without any license or authorization from the Complainant, which evidences the lack of legitimate interest. Therefore, the Complainant submits that it has not authorized the use of the terms “carrefour,” “carrefour pass,” or terms similar thereto in the disputed domain name in any manner or form;
- iii) The Complainant puts forth that the Respondent has not, before the original filing of the Complaint, used or made preparations to use the disputed domain name in relation to a bona fide offering of goods or services, because the disputed domain name resolved to an error page;
- iv) The Complainant has adopted and extensively used its trademarks before the registration of the disputed domain name, and the burden is on the Respondent to establish the Respondent’s rights or legitimate interests in the disputed domain name. None of the circumstances which set out how a respondent can prove rights or legitimate interests in the disputed domain name, are present in this case. Considering all the elements mentioned above, the Respondent should be considered as having no rights or legitimate interests in respect of the domain name that is the subject of the Complaint.

The Complainant submits that it has made a prima facie case of the Respondent’s lack of right or legitimate interest in the disputed domain name in light of the Policy.

The Complainant contends that its trademarks are widely well-known and have existed for many years. Its long-lasting reputation has been acknowledged in past decisions in a number of UDRP cases brought before WIPO. The fact that the disputed domain name reproduces the Complainant’s famous and well-known mark can create a presumption of bad faith, as UDRP panels have previously found. Quick Internet searches would have revealed the Complainant and its trademarks to the Respondent.

Given the above, the Complainant asserts that it is inconceivable that the Respondent ignored the Complainant or its earlier rights. There was no accident in registering the disputed domain name. In fact, the Respondent must have had in mind intentionally registering the Complainant’s famous mark, expecting that Internet users eventually searching for the Complainant’s services would come across the Respondent, and should have known that by registering the disputed domain name, it was not only violating the Complainant’s earlier rights, but also preventing the Complainant from reflecting its mark in the corresponding domain name.

The Complainant contends that the disputed domain name resolving previously to the Complaint filing to an error page does not prevent a finding of bad faith under the doctrine of passive holding.

The Complainant finally argues that the Respondent concealed its identity before the Registrar to escape the UDRP proceeding.

The Complainant asserts that it cannot think of any future use of the disputed domain name by the Respondent in good faith. These facts altogether show that the Respondent has registered and used the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, for the transfer of the disputed domain name, notwithstanding the Respondent's default, the Complainant must establish that:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Rules determine that if the Respondent does not comply with the time periods established nor any provision or requirements under paragraphs 14 (a) and (b) of the Rules, the Panel shall proceed to a decision on the complaint and draw inferences as it considers appropriate.

Per paragraph 15(a) of the Rules, a Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

The Panel has reviewed the case and found the following:

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 entirety of the mark is reproduced within the disputed domain name. Therefore, the Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "movil", may bear on assessment of the second and third elements, the Panel finds the addition of such a 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 has disregarded the gTLD, in this case “.com”, because it reflects a standard registration requirement and as such can be disregarded under the first element confusing similarity test, in accordance with section 1.11.1 of the [WIPO Overview 3.0](#).

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 Respondent defaulted and has failed to prove (i) before any notice of the dispute, its use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or (ii) being commonly known by the disputed domain name, even if it had acquired no trademark or service mark rights; or (iii) a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Quite the contrary, the disputed domain name pointed to an error page.

Moreover, currently, the website that reflects the disputed domain name warns of suspected phishing. Panels have held that the use of a domain name for phishing can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Respondent provided the Registrar with no existing physical address. The lack of compliance with the Registrar’s Registration Agreement suggests the Respondent did not want to be contacted. This behavior is not expected from Parties with legitimate rights.

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.

Panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

The Complainant submitted evidence in the Complaint showing that the Respondent’s website at the disputed domain name resolved to an error page.

Having reviewed the available record, the Panel considered the following factors to apply the passive holding doctrine and additional bad faith consideration factors:

- (i) The degree of distinctiveness and reputation of the Complainant’s trademark, and the composition of the disputed domain name, which reproduces the entirety of the Complainant’s marks. Previous panels have found the Complainant’s mark is well-known. See WIPO Case No. [D2020-1798](#) and WIPO Case No. [D2021-2389](#).
- (ii) The failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use;
- (iii) The Respondent had the responsibility to ensure that its contact information was accurate, current, and complete. However, by providing the Registrar with no physical address, it appears that the Respondent failed to comply with its responsibility before the Registrar and was in breach of the Registration Agreement with that Registrar;
- (iv) The implausibility of any good faith use to which the disputed domain name may be put.

Given the above, the Panel finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy, as already decided in previous UDRP cases. See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#).

The Panel finds such behavior to constitute bad faith registration and use of the disputed domain name under the Policy. Thus, 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 <movil-carrefourpass.com> be transferred to the Complainant.

/Paula Bezerra de Menezes/

Paula Bezerra de Menezes

Sole Panelist

Date: August 7, 2025