

ADMINISTRATIVE PANEL DECISION

Carrefour SA, Atacadão S.A. v. Amanda Abolim,
Amandadoes, Beatriz Alves, Murilo Oliveira, Henrique Dias,
Nexus, Marciele Ingrid Correia de Lima, Juliana Santos
Case No. D2025-2462

1. The Parties

Complainants are Carrefour SA (“Complainant No. 1”), France, and Atacadão S.A. (“Complainant No. 2”), Brazil, represented by IP Twins, France.

Respondents are Amanda Abolim, Amandadoes (“Respondent No. 1”); Beatriz Alves (“Respondent No. 2”); Murilo Oliveira (“Respondent No. 3”); Henrique Dias, Nexus (“Respondent No. 4”); Marciele Ingrid Correia de Lima (“Respondent No. 5”), and Juliana Santos (“Respondent No. 6”), Brazil.

2. The Domain Names and Registrar

The disputed domain names <aquisicaocardoatacado.shop> (“disputed domain name No. 1”), <atacadaocard.fun> (“disputed domain name No. 2”), <atacadaocard.online> (“disputed domain name No. 3”), <cardatacado.site> (“disputed domain name No. 4”), <consulteatacado.site> (“disputed domain name No. 5”), and <pay-atacado.store> (“disputed domain name No. 6”) are registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 23, 2025. On June 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On June 24, 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 Respondents (Unknown, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint.

The Center sent an email communication to Complainants on June 25, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting Complainants to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. Complainants filed an amended Complaint on June 25, 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 Respondents of the Complaint, and the proceedings commenced on July 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 27, 2025. The Center received email communications from Respondents Nos. 2, 3 and 6 on June 27 and June 28, 2025. On June 27, 2025, the Center sent email communications to Complainants regarding a possible settlement. Complainants did not request suspension of the proceedings.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on August 4, 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

Complainant No. 1 is a company organized under the laws of France that is active in the retail industry and acquired Complainant No. 2 in 2007, that is engaged in the wholesale and retail business, too.

Complainants have provided evidence that they own and/or enjoy rights in various registered trademarks relating to the “Atacadao” brand, inter alia, but not limited to, the following:

- word trademark ATACADAO, European Union Intellectual Property Office (EUIPO), registration number: 012020194, registration date: May 24, 2015, status: active; and
- word trademark ATACADÃO, National Institute of Intellectual Property (INPI) Brazil, registration number: 006785360, registration date: October 10, 1978, status: active.

Moreover, Complainants have demonstrated to own numerous domain names relating to their ATACADAO trademark, inter alia, since 1997, the domain name <atacadao.com.br> which resolves to the website “www.atacadao.com.br” promoting Complainants’ goods and related services in the retail industry.

Respondents, according to the registrar verification, are located in Brazil. The disputed domain names were registered between June 8 and 13, 2025, and resolve either to error pages or standard landing pages set up by the Registrar.

Complainants request that the disputed domain names be transferred to Complainants.

5. Parties’ Contentions

A. Complainants

Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain names. Notably, Complainants contend that Complainant No. 2 is the largest wholesale network in Brazil with over 300 stores and distribution centers and more than 70,000 employees all over the country, and that the ATACADAO trademark enjoys a widespread continuous reputation, both off-line and online.

Complainants submit that the disputed domain names are confusingly similar to Complainants' ATACADAO trademark as they all reproduce the latter in their entirety, together with one or more generic terms such as "aquisicao" (Portuguese for "acquisition"), "cartao" (Portuguese for "card"), "card", "consulte" (Portuguese for "consult") and "pay". Moreover, Complainants assert that Respondents have no rights or legitimate interests in respect of the disputed domain names since (1) Respondents have not been licensed or otherwise authorized by Complainants to use their ATACADAO trademark or to register the disputed domain names, (2) Respondents apparently do not own any trademark rights relating to the disputed domain names nor are they known thereunder, (3) Respondents have not used, or made preparations to use, the disputed domain names in relation to a bona fide offering of goods or services, but are passively holding the disputed domain names instead, and (4) the adoption and extensive use of Complainants' ATACADAO trademark predates by far the registration of the disputed domain names. Finally, Complainants argue that Respondents have registered and are using the disputed domain names in bad faith since (1) reproducing Complainants' ATACADAO trademark cannot have been accidental and must have been influenced by the fame of Complainants and their earlier trademark rights, (2) Complainants' ATACADAO trademark registrations significantly predate the registration date of the disputed domain names, and (3) the current passive use of the disputed domain names may not be considered a good faith use.

B. Respondents

Respondents did not formally reply to Complainant's contentions, however, Respondents Nos. 2, 3 and 6 sent informal email communications to the Center on June 27 and June 28, 2025, offering to settle this matter amicably by transferring their disputed domain names to Complainants.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, Complainants carry the burden of proving:

- (i) that the disputed domain names are identical or confusingly similar to a trademark or service mark in which Complainants have rights; and
- (ii) that Respondents have no rights or legitimate interests in respect of the disputed domain names; and
- (iii) that the disputed domain names have been registered and are being used in bad faith.

Respondents' formal default in the case at hand does not automatically result in a decision in favor of Complainants, however, paragraph 5(f) of the Rules provides that if Respondents do not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondents' failure to submit a formal Response as it considers appropriate.

A. Consolidation due to multitude of Complainants and Respondents

As regards the multitude of Complainants, given that they belong to the same group of companies and both enjoy rights in the ATACADAO trademarks (either as registered owner or otherwise), Complainants obviously have a specific common grievance against Respondents. It is thus appropriate in the case at hand and in line with the UDRP panelists' majority view to accept this Complaint filed by multiple complainants (see [WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition \("WIPO Overview 3.0"\)](#), section 4.11.1).

As regards the multitude of Respondents and disputed domain names belonging to them, the Panel notes that (1) all disputed domain names have been registered with the same Registrar in a close temporal connection, (2) all disputed domain names include the ATACADAO trademark entirely and have been set up in a similar naming pattern (e.g. focusing on generic Top-Level Domains ("gTLDs")), and (3) all Respondents supposedly reside in Brazil, where Complainant No. 2 is headquartered and undisputedly well-known. Therefore, it is reasonable to argue that the disputed domain names are subject to some kind of common

control, which is why it is also fair and equitable to all Parties that this Complaint is consolidated against multiple Respondents at the same time (see [WIPO Overview 3.0](#), section 4.11.2).

Having said so, the Panel comes to the following finding:

B. Identical or Confusingly Similar

First, 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 Complainants' ATACADAO trademark and the disputed domain names. [WIPO Overview 3.0](#), section 1.7.

Complainants have shown rights in respect of their ATACADAO trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Also, the entirety of such trademark is reproduced within each of the disputed domain names, simply added by a variety of terms, such as “aquisicao” (Portuguese for “acquisition”), “cartao” (Portuguese for “card”), “card”, “consulte” (Portuguese for “consult”) and “pay”. Accordingly, the disputed domain names are confusingly similar to Complainants' ATACADAO trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Although the addition of other terms (here, e.g. “card” or “pay”) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and Complainants' ATACADAO trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel, therefore, holds the first element of the Policy has been established.

C. Rights or Legitimate Interests

Second, paragraph 4(c) of the Policy provides a list of circumstances in which Respondents 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 Complainants have established a prima facie case that Respondents lack rights or legitimate interests in the disputed domain names. Respondents have not rebutted Complainants' prima facie showing and have 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. Respondents so far obviously have neither used the disputed domain names for a bona fide offering of goods or services nor for a legitimate noncommercial or fair purpose, but rather passively held them instead. In this context, the Panel has noted that all disputed domain names consist of Complainant's ATACADAO trademark plus an additional term (such as e.g. “card” or “cartao”). UDRP panels, however, have found that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner, such as in the case at hand. [WIPO Overview 3.0](#), section 2.5.1.

The Panel, therefore, holds that Respondents have no rights or legitimate interests in respect of the disputed domain names and that the second element of the Policy has been established, too.

D. Registered and Used in Bad Faith

Third, 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.

Also, 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.

Having reviewed the available record, the Panel finds the non-use of the disputed domain names does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent’s concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3. In this context, the Panel notes the undisputed distinctiveness or reputation of Complainants’ ATACADAO trademark (especially in Brazil where Respondents allegedly reside) and the composition of all disputed domain names (which reproduce such ATACADAO trademark entirely, simply adding dictionary terms such as “card”, “cartao” or “pay”), and concludes 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.

In connection with this finding, it also carries weight in the eyes of the Panel that Respondents obviously provided false or incomplete contact information in the WhoIs register for the disputed domain names since the Written Notices of the Notification of Complaint dated July 7, 2025 could not be delivered. This fact at least throws a light on Respondents’ behavior which supports the Panel’s bad faith finding.

The Panel, therefore, holds that Complainants have established the third element of the Policy, too.

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, <aquisicaocartaoatacadao.shop>, <atacadaocard.fun>, <atacadaocard.online>, <cardatacadao.site>, <consulteatacadao.site> and <pay-atacadao.store> be transferred to Complainants.

/Stephanie G. Hartung/

Stephanie G. Hartung

Sole Panelist

Date: August 15, 2025