

## **ADMINISTRATIVE PANEL DECISION**

Carrefour SA v. Pedro Silvio

Case No. D2025-3216

### **1. The Parties**

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

The Respondent is Pedro Silvio, Brazil.

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

The disputed domain name <carrefourbr.online> is registered with Name.com, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 12, 2025. On August 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 13, 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 August 18, 2025. In accordance with the Rules, paragraph 5, the original due date for Response was September 7, 2025.

The Respondent sent email communications to the Center on August 19, and August 21, 2025. On August 21, 2025, per the Complainant’s request, the administrative proceedings were suspended. On September 19, 2025, the proceedings were reinstituted. The new Response due date was October 6, 2025. The Respondent did not submit any further submissions.

The Center appointed Anna Carabelli as the sole panelist in this matter on October 9, 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 has been engaged in retail activities under the mark CARREFOUR for more than 60 years. With a revenue of around EUR 80 billion in 2023, the Complainant is listed on the Paris Stock Exchange (CAC 40). It operates over 14,000 stores in more than 40 countries.

The Complainant owns several trademark registrations for CARREFOUR in many jurisdictions, including the following:

- International Trademark Registration no. 351147, registered on October 2, 1968, in classes 1 to 34;
- International Trademark Registration no. 353849, registered on February 28, 1969, in classes 35 to 42;
- European Union trademark registration no. 5178371, registered on August 30, 2007, in classes 9, 35, and 38; and
- Brazilian trademark registration no. 830532692, registered on December 26, 2012, in class 35.

The Complainant also owns domain name registrations consisting of the CARREFOUR trademark, for example: <carrefour.com>, registered since 1995. The Complainant has online presence via social media platforms.

The disputed domain name was registered on July 18, 2025. According to the evidence in the Complaint, the disputed domain name resolved to a Shopify page reading “Em Breve”, meaning “Coming Soon” in Portuguese, and inviting users to enter their email address. At the time of this Decision it resolves to an error page reading “This store is unavailable”.

#### **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 Complainant’s CARREFOUR trademark is distinctive and globally recognized;
- The disputed domain name is confusingly similar to a trademark in which the Complainant has rights, since it consists of the Complainant’s CARREFOUR mark with the addition of the letters “br” (likely taken from the country code for Brazil);
- The Respondent has no rights or legitimate interests in the disputed domain name since: (i) the Complainant has not authorized or somehow given consent to the Respondent to register and use the disputed domain name, (ii) the Respondent is not commonly known by the disputed domain name, and (iii) the Respondent’s use of the disputed domain name is not a bona fide offering of goods;
- The disputed domain name was registered and is being used in bad faith. The Respondent registered the disputed domain name having in mind the Complainant’s CARREFOUR mark. Passive holding, which is the case here, does not prevent a finding of bad faith. The association of the disputed domain name with a Shopify account indicates the Respondent’s intent to benefit from the renown and fame of the Complainant for commercial gain, by creating a confusion in the mind of Internet users of average attention.

Based on the above the Complainant requests the disputed domain name be transferred to the Complainant.

## **B. Respondent**

The Respondent did not substantively reply to the Complainant's contentions. The Respondent sent email communications to the Center on August 19, and August 21, 2025, expressing a general willingness to give up the disputed domain name.

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs the Panel to decide the Complaint based on the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

Under paragraph 4(a) of the Policy, the Complainant must prove each of the following:

- (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.

Paragraph 4(b) of the Policy sets out four illustrative circumstances, which for the purposes of paragraph 4(a)(iii) of the Policy, shall be evidence of registration and use of a domain name in bad faith.

Paragraph 4(c) of the Policy sets out three illustrative circumstances any one of which, if found by the Panel, shall be evidence of the Respondent's rights to or legitimate interests in a disputed domain name for the purposes of paragraph 4(a)(ii) of the Policy.

### **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 Panel finds the entirety of the mark is reproduced and 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.

The addition of the generic Top-Level Domain such as ".online" is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Although the addition of other terms, here the term "br", may bear on assessment of the second and third elements, the Panel finds 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 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.

In addition, the Respondent has not used the disputed domain name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Based on the available record, the disputed domain name was solely used for a “coming soon” page inviting users to enter their email addresses and later for an inactive page. Association with an inactive page or an error page does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use, and cannot under the circumstances confer on the Respondent any rights or legitimate interests in the disputed domain name. (See, e.g., *Carrefour SA v. Hugo Fernandez et al.*, WIPO Case No. [D2024-5144](#)). Furthermore, the Respondent has not provided any explanations as to its planned use of the disputed domain name which previously resolved to a template page for customizing an online shop powered by Shopify.

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 the present case, the Panel notes that the Complainant’s CARREFOUR trademark has been continuously and extensively used globally for many years and has, as a result, acquired considerable reputation and goodwill worldwide, as recognized by prior UDRP decisions. See *Carrefour v. Simon Lundgren*, WIPO Case No. [DAE2014-0001](#), *Carrefour v. Tucows Domains Inc. / Torsten Littmann*, WIPO Case No. [D2019-2328](#), and *Carrefour v. Tool Domains Ltd*, WIPO Case No. [DGE2018-0002](#).

In view of the well-known character of the CARREFOUR trademark, it is difficult to believe that the Respondent did not have in mind the Complainant’s trademark when registering the disputed domain name. Prior panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or well-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Furthermore, the composition of the disputed domain name, consisting of the Complainant’s exact mark with the addition of the letters “br” (which could be interpreted as the country code for Brazil where the Complainant operates a large network of retail stores), suggests that the Respondent registered the disputed domain name with a deliberate intent to create an impression of an association with the Complainant, and to

mislead Internet users into believing the disputed domain name was an official domain name of the Complainant.

As to bad faith use, the disputed domain name does not point to an active website, currently resolving to an error page (and previously to a “coming soon” template page powered by Shopify).

Panels have found that the non-use of a domain name (including a blank or error page) would not prevent a finding of bad faith under the doctrine of passive holding. Panels 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; (iii) the respondent’s concealing its identity or use of false contact details (noted to be in breach of its registration agreement); and, (iv) the implausibility of any good faith use to which the domain name may be put. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel notes the reputation of the Complainant’s trademark as an international established mark, the composition of the disputed domain name as discussed above, the failure of the Respondent to submit a substantive response or provide any explanation for the registration of the disputed domain name, its previous use for a template page powered by Shopify, and 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.

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 <carrefourbr.online> be transferred to the Complainant.

*/Anna Carabelli/*

**Anna Carabelli**

Sole Panelist

Date: October 23, 2025