

ADMINISTRATIVE PANEL DECISION

Carrefour SA and Atacadão S.A. v. Host Master, Njalla Okta LLC, Frentista Silva, BR2

Case No. D2025-3679

1. The Parties

The Complainants are Carrefour SA, France, and Atacadão S.A., Brazil, represented by IP Twins, France.

The Respondents are Host Master, Njalla Okta LLC, Saint Kitts and Nevis (Respondent 1), and Frentista Silva, BR2, Burundi (Respondent 2).

2. The Domain Names and Registrars

The disputed domain names <atacado-lojas.com>, <atacado-mercado.com>, <mercado-atacado.com>, and <redes-atacado.com> are registered with Tucows Domains Inc (hereinafter, “Tucows”). The disputed domain name <lojas-atacado.lat> is registered with NameCheap, Inc. (hereinafter, “NameCheap”). Tucows Domains Inc and NameCheap, Inc. are collectively referred hereinafter as “the Registrars”.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 10, 2025. On September 11, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On September 11, 2025, Tucows transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names of Respondent 1 which differed from the named Respondent (Redacted for Privacy, Withheld for Privacy ehf) and contact information in the Complaint. On September 12, 2025, NameCheap transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name of Respondent 2 which differed from the named Respondent (Redacted for Privacy, Withheld for Privacy ehf) and contact information in the Complaint.

The Center sent an email communication to the Complainants on September 12, 2025, with the registrants and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainants to either file separate complaints 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. The Complainants filed an amended Complaint on September 12, 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 Respondents of the Complaint, and the proceedings commenced on September 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 12, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents default on October 13, 2025.

The Center appointed Theda König Horowicz as the sole panelist in this matter on October 20, 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 Complainants are Carrefour SA (“Carrefour”) and Atacadão - Distribuição, Comércio E Indústria LTDA. (“Atacadão”). Carrefour is a renowned French public limited company founded in 1959 and a pioneer of the concept of hypermarkets back in 1963. Atacadão is a renowned Brazilian wholesale and retail chain, established in 1960. In 2007, it became a subsidiary of Carrefour SA.

The Complainants own notably the following trademark registrations in Brazil bearing the term ATACADÃO or ATACADAO:

- Brazilian trademark ATACADÃO (word) No. 006785344, in class 31, registered on October 10, 1978, and
- Brazilian trademark ATACADAO (word) No. 006937497, in class 35, registered on May 25, 1979.

These trademarks are extensively used by the Complainants in relation to their hypermarket business and have a high degree of notoriety in Brazil. The Complainants are also promoting an official website under the domain name <atacado.com.br> which was registered in 1997. The Complainants’ official website promotes and displays the products and brands they are commercializing; it prominently uses a logo in form of a stylised “A” in orange colour. The dominant colours used on the website are otherwise orange and green. Additionally, the Complainants have a strong social media presence, specifically on Facebook.

The disputed domain names were registered on the following dates:

- <atacado-lojas.com> on August 30, 2025,
- <atacado-mercado.com> on August 20, 2025,
- <mercado-atacado.com> on August 27, 2025,
- <redes-atacado.com> on August 28, 2025, and
- <lojas-atacado.lat> on August 19, 2025.

At the time of the filing of the Complaint, the disputed domain names were used as follows:

- <atacado-mercado.com> redirects to <redes-atacado.com>, which together with <mercado-atacado.com> resolved to a copycat website bearing the stylised “A” logo of the Complainants and using the same main colours orange and green.
- <atacado-lojas.com> resolved to a page with a pop-up message reading “Você está sendo redirecionado”, redirecting to a subpage of the Complainant’s website: “https://www.atacado.com.br/fim-de-mes-imbativo!”.

- <lojas-atacado.lat> resolved to a webpage indicating that the page cannot be reached.

5. Parties' Contentions

A. Complainants

The Complainants contend to have satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, the Complainants contend that all the disputed domain names contain their well-known ATACADAO trademarks and are therefore confusingly similar. The generic terms "lojas" which means "stores" or "mercado" which means "market" or even "redes" reinforce the risk of confusion with the Complainants well-known trademark.

The Complainants further allege that the Respondents do not have rights or legitimate interests in the disputed domain names notably since (i) they do not own trademark rights in the said names (ii) they reproduce the Complainants' earlier well-known trademark ATACADAO without authorization of any kind (iii) they do not make any bona fide offering of goods or services under the disputed domain names, (iv) the disputed domain names <atacado-mercado.com>, <mercado-atacado.com>, and <redes-atacado.com> resolved to a copycat website bearing the stylised "A" logo of the Complainants.

The Complainants finally contend that the Respondents registered and are using the disputed domain names in bad faith in particular because (i) they knew the Complainants' rights in the well-known trademark ATACADAO when registering the disputed domain names (ii) the disputed domain names <atacado-mercado.com>, <mercado-atacado.com>, and <redes-atacado.com> resolved to a copycat website bearing the logo of the Complainants.

B. Respondents

The Respondents did not reply to the Complainants' contentions.

6. Discussion and Findings

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainants allege that the domain name registrants are mere alter egos of each other, notably because the disputed domain names were all registered within the same period of 11 days, have the same nameservers and have the same composition (ATACADAO with a generic term). The Complainants therefore request the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainants request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainants' request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes that for the reasons mentioned by the Complainants and which are outlined above, it is likely that the Respondents are indeed connected.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party, particularly to the Respondents who both chose not to participate in any way in these proceedings.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as “the Respondent”) in a single proceeding.

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 3.0](#), section 1.7.

The Complainants have shown rights in respect of the trademark ATACADAO for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the 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 addition of terms, such as “lojas”, “mercado” or “redes”, does not prevent a finding of confusing similarity between the disputed domain names 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 Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has not rebutted the Complainants’ 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 Respondent defaulted and has failed to prove that before any notice of the dispute, its use of, or demonstrable preparations to use, the disputed domain names or a name corresponding to the disputed domain names in connection with a bona fide offering of goods or services. To the contrary, the case file shows that some of the disputed domain names were redirecting to a copycat website using a very similar layout and the Complainants’ logo to promote identical hypermarket services.

Furthermore, nothing in the case file shows that the Respondent would be commonly known by the disputed domain names or has acquired any trademark or service mark 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.

In the present case, the Panel notes that the Respondent has chosen to register several domain names comprising the Complainants' well-known ATACADAO trademark without authorization. These marks have been registered many years before the disputed domain names. The Respondent therefore clearly knew of the Complainants' trademark when registering the disputed domain names.

Furthermore, the disputed domain names <atacado-mercado.com> redirects to <redes-atacado.com>, which together with <mercado-atacado.com> are linked to a copycat website which is a clear case of bad faith use, as Internet users may think that they are on a website officially operated by the Complainants.

With regard to the disputed domain name <lojas-atacado.lat> which is inactive, 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. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainants' trademark, as well as the composition of the disputed domain names, and finds that in the circumstances of this case the passive holding of the disputed domain name <lojas-atacado.lat> does not prevent a finding of bad faith under the Policy.

The disputed domain name <atacado-lojas.com> resolves first to a page with a pop-up message reading "Você está sendo redirecionado" and then redirects to a subpage of the Complainants' website: "https://www.atacado.com.br/fim-de-mes-imbativel". The use of the Complainants' well-known ATACADAO trademark in the disputed domain name along with the redirection to Complainants' official website without authorization is also a clear bad faith use case.

That the Respondent 1 has acted in bad faith is also supported by the fact that it has a pattern of having been found to have registered and used domain names in bad faith based on the marks and names of others. Such pattern is established by several UDRP decisions finding that the Respondent acted in bad faith. These decisions confirm that the Respondent's likely intent here is to likewise deceive consumers by taking advantage of the Complainants' reputation and rights for the profit of the Respondent. See e.g. *Les Mills International Limited v. Host Master, Njalla Okta LLC*, WIPO Case No. [D2025-2100](#), and *LEGO Holding A/S v. Host Master, Njalla Okta LLC*, WIPO Case No. [D2025-2860](#).

The Panel finds that the Complainants have 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 <atacado-lojas.com>, <atacado-mercado.com>, <lojas-atacado.lat>, <mercado-atacado.com>, and <redes-atacado.com> be transferred to the Complainants.

/Theda König Horowicz/

Theda König Horowicz

Sole Panelist

Date: November 5, 2025