

ADMINISTRATIVE PANEL DECISION

Carrefour SA and Atacadão S.A. v. Fernando Vieira and Fernando Gouveia
Case No. D2025-3749

1. The Parties

The Complainants are Carrefour SA, France, and Atacadão S.A., Brazil (both Complainants are hereinafter collectively referred to as “the Complainant.”), represented by IP Twins, France.

The Respondents are Fernando Vieira, Brazil, and Fernando Gouveia, Brazil.

2. The Domain Names and Registrar

The disputed domain names <atacadaobras-oficial.com> and <atacadaobras-shop.com> are registered with Gransy, s.r.o. d/b/a subreg.cz (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 16, 2025. On September 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 18, 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 Respondent (Not Disclosed Not Disclosed) and contact information in the Complaint.

The Center sent an email communication to the Complainant on September 19, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file a separate complaint for the disputed domain name associated with a different underlying registrant or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on September 19, 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 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 13, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on October 14, 2025.

The Center appointed Mario Soerensen Garcia as the sole panelist in this matter on October 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 Carrefour SA has been one of the worldwide leaders in the hypermarket segment since 1968. It operates more than 12,000 stores with more than 384,000 employees worldwide, and there are 1.3 million daily visitors to its stores.

The Complainant Atacadão S.A. is a Brazilian chain of wholesale stores established in 1960 and acquired by Carrefour Group in 2007. With over 300 stores and distribution centers in all the Brazilian states and more than 70,000 employees, the Complainant Atacadão S.A. is one of the largest wholesale networks in Brazil.

The Complainant Atacadão S.A. began an internationalization program, expanding its activities to other countries beyond Brazil. Since the Complainant Atacadão S.A. is part of the Carrefour Group, both companies have opted to be the joint Complainants in the present proceedings.

The Complainant is the owner of several ATACADAO and ATACADÃO trademarks registered before the registration of the disputed domain names, such as:

- 1) The European Union registration no. 012020194, for trademark ATACADAO, registered on May 24, 2015, in class 35;
- 2) Brazilian registration no. 006785344, for trademark ATACADÃO, registered on October 10, 1978, in class 31; and
- 3) Brazilian registration no. 006937497, for trademark ATACADAO, registered on May 25, 1979, in class 35.

The Complainant also owns numerous domain names comprising the trademark ATACADAO, including the domain name <atacado.com.br>.

The Respondents are Fernando Vieira and Fernando Gouveia, from Brazil.

The disputed domain name <atacadaobras-oficial.com> was registered on July 13, 2025, and <atacadaobras-shop.com> was registered on August 30, 2025.

At the time of the filing of the present Complaint, none of the disputed domain names were associated with an active website, and they did not resolve to any webpage.

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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the trademark in which it has rights, that the Respondents have no rights or legitimate interests with respect to the disputed domain names, and that the disputed domain names were registered and are being used in bad faith.

The Complainant requests a transfer of the disputed domain names.

B. Respondents

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

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

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

Consolidation: Multiple Respondents

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 Complainant's 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 the following:

- (1) The disputed domain names were registered in a short time frame, between July 13, 2025, and August 30, 2025;
- (2) The disputed domain names share a similar naming pattern, beginning with "atacadaobras-" followed by a generic term;
- (3) The disputed domain names were registered with the same Registrar; were delegated to the same Cloudflare nameserver, and were registered under the ".com" Top-Level Domain ("TLD"); and
- (4) The disputed domain names have registrants who are based in Brazil with almost identical addresses and telephone numbers, and both are named Fernando.

The Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

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.

6.2 Substantive Issues

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.

Based on the available record, the Panel finds 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 that the entirety of the ATACADAO trademark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to that trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

While the addition of other terms here, "oficial," "bras" and "shop," may bear on the assessment of the second and third elements, the Panel finds that the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the trademark 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 names. 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 names, such as those enumerated in the Policy or otherwise.

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 finds that the Respondent was most likely aware of the Complainant's trademarks when the Respondent registered the disputed domain names, as the Complainant's business, its trademark registrations, and domain name predate the registration date of the disputed domain names. Moreover, the Complainant is well known in Brazil, where the Respondent is reportedly located.

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.

Although all the disputed domain names did not resolve to any active website at the time of the filing of the Complaint, panels have found that the non-use of a domain name 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 reputation of the Complainant's trademarks, the composition of the disputed domain names, and the absence of a response, and finds 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.

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 names <atacadaobras-oficial.com and <atacadaobras-shop.com> be transferred to the Complainant.

/Mario Soerensen Garcia/

Mario Soerensen Garcia

Sole Panelist

Date: November 6, 2025