

ADMINISTRATIVE PANEL DECISION

Carrefour SA and Atacadão - Distribuição, Comércio E Indústria LTDA. v.
gabriel silva, Carpau Agropecuaria LTDA
Case No. D2025-4326

1. The Parties

The Complainants are Carrefour SA, France, and Atacadão - Distribuição, Comércio E Indústria LTDA., Brazil ("Atacadão"), represented by IP Twins, France.

The Respondent is gabriel silva, Carpau Agropecuaria LTDA, Brazil.

2. The Domain Name and Registrar

The disputed domain name <portalcartaoatacado.sbs> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 22, 2025. On October 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 22, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainants on October 23, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on October 28, 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 November 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 3, 2025.

The Center appointed Marcello do Nascimento as the sole panelist in this matter on December 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 Carrefour SA is a global retail group headquartered in France. Founded in 1959, Carrefour is a pioneer of the hypermarket concept and has grown into one of the world's largest retail chains. The Carrefour Group operates more than 12,000 stores in over 30 countries, employing hundreds of thousands of people worldwide and generating annual revenues in the tens of billions of euros. Its activities encompass a broad range of sectors, including food retail, non-food products, financial services, and digital commerce.

Atacadão is one of the leading Brazilian wholesale and retail companies, originally founded in 1960 and acquired by Carrefour SA in 2007. Atacadão operates primarily in the cash-and-carry segment, supplying bulk products to both professional customers and individual consumers at competitive prices. The company maintains a nationwide presence in Brazil, with hundreds of stores and distribution centers across all Brazilian states. Atacadão also offers payment and financial solutions, including branded credit card services marketed under the name "Cartão Atacadão".

The Complainants hold extensive trademark rights in ATACADÃO / ATACADAO which long predate the registration of the disputed domain name. These rights include, inter alia, the following registrations, as submitted by the Complainants and verified by the Panel:

- European Union trademark ATACADAO, Registration No. 012020194, registered on May 24, 2015, designating services in International Class 35; and
- Brazilian trademark ATACADÃO, Registration No. 006785344, registered on October 10, 1978, duly renewed and currently in force.

The Panel notes that the ATACADÃO / ATACADAO trademark has been recognized as well-known in Brazil in multiple prior UDRP decisions involving the same Complainants.

The Complainants also maintain an established online presence and own several domain names reflecting their trademarks and services, including <atacado.com>, registered on January 17, 2004, and <cartaoatacado.com.br>, registered on July 24, 2015.

The disputed domain name, <portalcartaoatacado.sbs>, was registered on July 16, 2025.

At the time of filing of the Complaint, and at the time of this Decision, the disputed domain name does not resolve to any active website and instead leads to an error page. There is no evidence on the record that the Respondent has made any active use of the disputed domain name.

5. Parties' Contentions

A. Complainants

The Complainants contend that they have satisfied each of the three elements required under paragraph 4(a) of the Policy for the transfer of the disputed domain name.

The Complainants argue that the disputed domain name is confusingly similar to their well-established trademarks ATACADÃO and ATACADAO, which are reproduced in their entirety in the disputed domain name. According to the Complainants, the mere addition of the descriptive Portuguese terms "portal" and "cartao" does not prevent a finding of confusing similarity. On the contrary, these terms directly refer to the

Complainants' online customer portal and branded credit card services ("Cartão Atacadão"), thereby reinforcing the false impression that the disputed domain name is officially associated with, or endorsed by, the Complainants.

The Complainants further submit that the omission of the diacritical mark in "ATACADÃO" is immaterial for the purpose of assessing confusing similarity, as domain names cannot technically include such characters and the resulting string "ATACADAO" remains visually and phonetically identical to the trademark. The generic Top-Level Domain ("gTLD") ".sbs" should be disregarded in the comparison.

The Complainants maintain that the Respondent has no rights or legitimate interests in respect of the disputed domain name. They assert that the Respondent is not commonly known by the name "portalcartaoatacado," and has never been authorized, licensed, or otherwise permitted to use the Complainants' ATACADÃO / ATACADAO trademarks in any manner. The Complainants emphasize that no business, contractual, or other relationship exists between the Parties.

The Complainants further argue that the Respondent has not used, nor made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. At the time of filing of the Complaint, the disputed domain name does not resolve to any active website and instead leads to an error page. The Complainants submit that such passive holding does not constitute a legitimate noncommercial or fair use under paragraph 4(c) of the Policy, particularly where the domain name incorporates a well-known trademark and suggests an affiliation.

The Complainants also contend that the composition of the disputed domain name – combining the Complainants' trademark with terms directly linked to their payment and customer access services – creates an implied false affiliation. According to the Complainants, such composition typically suggests that the domain name is an official or endorsed channel of the trademark owner.

Finally, the Complainants contend that the disputed domain name was registered and is being used in bad faith. They argue that their trademark rights long predate the registration of the disputed domain name and that the ATACADÃO / ATACADAO mark is well known, particularly in Brazil. In the Complainants' view, the deliberate selection of a domain name consisting of their distinctive trademark combined with the terms "portal" and "cartao" demonstrates that the Respondent was fully aware of the Complainants and their services at the time of registration and intentionally targeted their brand.

The Complainants submit that the Respondent's passive holding of the disputed domain name does not prevent a finding of bad faith. The Complainants rely on established UDRP principles, including the doctrine of passive holding as articulated in prior panel decisions.

In light of the foregoing, the Complainants submit that all three elements of paragraph 4(a) of the Policy are fulfilled and request that the disputed domain name be transferred to the Complainants.

B. Respondent

The Respondent did not submit any Response to the Complaint. Accordingly, the Respondent has not contested the Complainants' assertions nor provided any evidence of rights or legitimate interests in respect of the disputed domain name, nor any explanation regarding its registration or use.

6. Discussion and Findings

Pursuant to paragraph 15(a) of the Rules, the Panel shall decide the Complaint on the basis of the statements and documents submitted, 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 Complainants must prove, on the balance of probabilities, each of the following elements:

- a) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights;
- b) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- c) the disputed domain name has been registered and is being used in bad faith.

The Panel addresses each element in turn.

A. Identical or Confusingly Similar

The Panel is satisfied that the Complainants have established rights in the trademarks ATACADÃO and ATACADAO through numerous national and international registrations, including long-standing Brazilian registration and a European Union trademark registration.

The disputed domain name incorporates the trademark ATACADAO in its entirety. The Panel also finds the mark ATACADÃO is 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 Panel finds that the addition of the terms “portal” and “cartao” does not prevent a finding of confusing similarity. It is well established that where a domain name wholly incorporates a complainant’s trademark, the addition of dictionary, descriptive or other terms does not prevent a finding of confusing similarity (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.8).

The gTLD “.sbs” is likewise disregarded in the confusing similarity analysis ([WIPO Overview 3.0](#), section 1.11).

Accordingly, the Panel concludes that the disputed domain name is confusingly similar to a trademark in which the Complainants have rights and that the first element of paragraph 4(a) of the Policy is satisfied.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy sets out circumstances by which a respondent may demonstrate rights or legitimate interests in a disputed domain name. While the burden of proof rests with the Complainants, once a prima facie case is made, the burden of production to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name shifts to the Respondent. 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.

The Complainants have established a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The record shows that the Respondent is not affiliated with the Complainants, has not been authorized or licensed to use the ATACADÃO / ATACADAO trademarks, and is not commonly known by the disputed domain name. There is no evidence that the Respondent holds any trademark or service mark rights corresponding to the disputed domain name.

Furthermore, the disputed domain name does not resolve to any active website and has not been used in connection with a bona fide offering of goods or services. Nor is there any evidence of legitimate noncommercial or fair use. Given the composition of the disputed domain name – combining the Complainant’s distinctive trademark with terms “portal” and “cartao” (Portuguese term meaning “card”) directly related to the Complainants’ services, particularly their customer access platform and branded credit card offerings marketed under the name “Cartão Atacadão” – the composition of the disputed domain name carries a risk of implied affiliation.

The Respondent did not submit a Response and has therefore failed to rebut the Complainants' prima facie case or demonstrate any rights or legitimate interests under paragraph 4(c) of the Policy. In these circumstances, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Panel finds the second element of the Policy has been established.

C. Registered and Used 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.

The Panel finds that the disputed domain name was registered and is being used in bad faith. The Complainants' ATACADÃO / ATACADAO trademarks are long-established and well known, particularly in Brazil, and significantly predate the registration of the disputed domain name in July 2025. The Respondent's disclosed contact details indicate a Brazilian name and a Brazilian postal address. Taken together, and noting the composition of the disputed domain name, these factors strongly support the conclusion that the Respondent was aware of the Complainants and their trademarks at the time of registration.

The deliberate selection of a domain name that reproduces the Complainants' trademark in its entirety, combined with the terms "portal" and "cartao" that directly reference the Complainants' customer access platform and branded payment services, in the Panel's view, demonstrates that the Respondent intentionally targeted the Complainants' trademark when registering the disputed domain name.

The disputed domain name is currently inactive. However, as established in *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#), the absence of active use does not prevent a finding of bad faith. See also [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, the Respondent's location in Brazil, and the composition of the disputed domain name, 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 also finds that any use of the disputed domain name combining the Complainants' distinctive trademark with terms suggesting an official portal or credit card service would almost inevitably mislead Internet users and falsely imply an affiliation with the Complainants.

The Respondent's failure to submit a Response or to provide any explanation regarding the choice of the disputed domain name supports the inference that the registration and passive holding of the disputed domain name were undertaken in bad faith.

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 <portalcartaoatacado.sbs> be transferred to the Complainants.

/Marcello do Nascimento/

Marcello do Nascimento

Sole Panelist

Date: December 23, 2025