

## **ADMINISTRATIVE PANEL DECISION**

Carrefour SA, Atacadão - Distribuição, Comércio E Indústria LTDA v. ISLEY SILVA Ferreira

Case No. D2026-0409

### **1. The Parties**

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

The Respondent is ISLEY SILVA Ferreira, Brazil.

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

The disputed domain name <atacado-bras-sao-paulo.com> is registered with GoDaddy.com, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 1, 2026. On February 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 2, 2026, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 3, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on February 3, 2026.

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 February 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 26, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 2, 2026.

The Center appointed Marcello Do Nascimento as the sole panelist in this matter on March 5, 2026. 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 first Complainant, Carrefour SA, is a multinational retail group headquartered in France. Founded in 1959, Carrefour pioneered the hypermarket concept and has since developed into one of the world's leading retail companies. The Carrefour Group operates thousands of retail outlets across more than thirty countries and employs hundreds of thousands of people worldwide. Its activities encompass a wide range of sectors, including food retail, non-food consumer products, financial services, and e-commerce.

The second Complainant, Atacadão - Distribuição, Comércio E Indústria LTDA., is a major Brazilian wholesale and retail company originally established in 1960. In 2007, the second Complainant became part of the Carrefour Group. The second Complainant operates primarily in the "cash-and-carry" wholesale retail segment, supplying bulk products to both professional customers and individual consumers at competitive prices. The company maintains a strong nationwide presence in Brazil, operating hundreds of stores and distribution centers across the country.

The Complainants own numerous trademark registrations for the marks ATACADÃO and ATACADAO, which significantly predate the registration of the disputed domain name. The record includes, inter alia, the following trademark registrations:

- European Union trademark ATACADAO, Registration No. 012020194, registered on May 24, 2015, designating services in International Class 35;
- Brazilian trademark ATACADÃO, Registration No. 006785344, registered on October 10, 1978;
- Brazilian trademark ATACADÃO, Registration No. 006937497, registered on May 25, 1979;
- French trademark ATACADAO, Registration No. 4981135, registered on November 10, 2023;
- OAPI trademark ATACADAO, Registration No. OA/3/2012/002570, registered on February 28, 2013;
- Brazilian trademark CARTÃO ATACADÃO, Registration No. 840880367, registered on July 24, 2018.

The Panel notes that the ATACADÃO and ATACADAO trademarks have been used for decades and enjoy significant recognition in Brazil. The mark has also been acknowledged as distinctive and well known in several prior UDRP proceedings involving the Complainants.

The disputed domain name <atacado-bras-sao-paulo.com> was registered on January 15, 2026.

The evidence on record shows that the disputed domain name resolves to a website displaying the designation "Atacadão Brás", offering clothing products through an online platform written in Portuguese and displaying prices in Brazilian currency. The website includes product listings, shopping cart functionality, and other elements commonly associated with e-commerce platforms.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainants contend that the requirements of paragraph 4(a) of the Policy are fully satisfied and that the disputed domain name should therefore be transferred to them.

First, the Complainants submit that the disputed domain name is confusingly similar to their well-known ATACADÃO and ATACADAO trademarks. According to the Complainants, the disputed domain name

incorporates the trademark ATACADAO in its entirety. The Complainants argue that the addition of the geographic terms “bras” and “sao paulo” does not avoid a finding of confusing similarity.

The Complainants further contend that the omission of the diacritical mark in ATACADÃO is irrelevant for the purpose of the confusing similarity analysis, since domain names generally cannot include such characters. In the Complainants’ view, the string “ATACADAO” remains visually and phonetically equivalent to their registered trademark. The Complainants also submit that the generic Top-Level Domain (“gTLD”) “.com” should be disregarded when comparing the disputed domain name with the Complainants’ trademarks.

With respect to the second element of the Policy, the Complainants maintain that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainants state that the Respondent is not commonly known by the disputed domain name and has never been authorized, licensed, or otherwise permitted to use the ATACADÃO and ATACADAO trademarks. According to the Complainants, there is no relationship between the Parties that could justify the Respondent’s registration or use of the disputed domain name.

The Complainants further submit that the disputed domain name resolves to an active website operating as an online sales platform. According to the Complainants, the website prominently displays the designation “Atacadão Brás” and offers products for sale, notably clothing items, through a commercial interface that includes product listings, pricing information, shopping cart functionality, and options for customer contact.

The Complainants argue that such use seeks to capitalize on the reputation and goodwill associated with the ATACADÃO trademark and creates the misleading impression that the website corresponds to, or is authorized by, the Complainants.

The Complainants also contend that the Respondent’s use of the disputed domain name in connection with an online commercial platform operating in the retail environment further reinforces the likelihood of confusion. In the Complainants’ view, Internet users encountering the disputed domain name may reasonably assume that it corresponds to an official store, branch, or commercial activity of the Complainants located in the Brás district of São Paulo, a well-known commercial area in Brazil.

Finally, the Complainants assert that the disputed domain name was registered and is being used in bad faith. They emphasize that their trademark rights significantly predate the registration of the disputed domain name and that the ATACADÃO and ATACADAO trademarks enjoy substantial recognition in Brazil. According to the Complainants, the Respondent’s deliberate selection of a domain name incorporating their distinctive trademark together with geographic terms referring to a well-known commercial district demonstrates that the Respondent was aware of the Complainants and intentionally targeted their brand.

For these reasons, the Complainants submit that the circumstances of this case fall within the examples of bad faith described in paragraph 4(b) of the Policy, in particular the use of the disputed domain name to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainants’ trademarks.

In light of the foregoing, the Complainants 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 finds that the Complainants have established rights in the trademarks ATACADÃO and ATACADAO through numerous trademark registrations submitted in evidence, including long-standing Brazilian registrations as well as international registrations.

The disputed domain name incorporates the term “atacadao”, which corresponds directly to the Complainants’ trademark ATACADAO, and also clearly reflects the mark ATACADÃO, notwithstanding the absence of the diacritical mark. As noted in prior UDRP decisions, the omission of such accents does not prevent the mark from being recognizable within the disputed domain name.

The Panel therefore considers that the Complainants’ trademarks are clearly recognizable within the disputed domain name. In accordance with section 1.7 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions, Third Edition (“[WIPO Overview 3.1](#)”), where a domain name incorporates a complainant’s trademark in its entirety, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark.

The Panel further observes that the disputed domain name includes the additional terms “bras” and “sao paulo”, which correspond to geographic references to a well-known commercial district and city in Brazil. The addition of such geographic terms does not prevent a finding of confusing similarity. As reflected in section 1.8 of the [WIPO Overview 3.1](#), the addition of other terms to a complainant’s trademark does not avoid a finding of confusing similarity where the mark remains recognizable within the domain name.

Finally, the Panel notes that the gTLD “.com” is generally disregarded for the purposes of the confusing similarity assessment (see [WIPO Overview 3.0](#), section 1.11).

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

### B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a non-exhaustive list of circumstances that may demonstrate a respondent’s rights or legitimate interests in a disputed domain name. Although the overall burden of proof rests with the Complainants, panels have recognized that proving a respondent’s lack of rights or legitimate interests may involve the difficult task of establishing a negative fact. Accordingly, once a complainant establishes a prima facie case that the respondent lacks such rights or legitimate interests, the burden of production shifts to the respondent to present evidence demonstrating otherwise. If the respondent fails to

do so, the complainant is deemed to have satisfied the second element of the Policy. See [WIPO Overview 3.1](#), section 2.1.

In the present case, the Panel finds that the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The record shows that the Respondent is not affiliated with the Complainants and has not been authorized, licensed, or otherwise permitted to use the ATACADÃO and ATACADAO trademarks. There is no evidence indicating that the Respondent is commonly known by the disputed domain name or by any name corresponding to the Complainants' trademarks. Likewise, there is no indication that the Respondent owns any trademark or service mark rights corresponding to the disputed domain name.

The evidence submitted by the Complainants further shows that the disputed domain name resolves to a website displaying the designation "Atacadão Brás" and offering products for sale through an online commercial platform. In the Panel's view, in the circumstances of this case, such use does not constitute a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy. As consistently recognized in prior UDRP decisions, the unauthorized use of a complainant's trademark to offer goods or services in a manner suggesting affiliation, sponsorship, or endorsement cannot constitute bona fide use under the Policy.

In the present case, the disputed domain name incorporates the Complainants' well-known ATACADAO trademark and combines it with the geographic references "Brás" and "São Paulo." The Panel considers that this composition may suggest an association with the Complainants in that location.

Such use, in the absence of any explanation from the Respondent, does not support a finding of rights or legitimate interests on the Respondent.

The Respondent did not submit any Response in this proceeding and has therefore failed to rebut the Complainants' prima facie case or to demonstrate any of the circumstances set out in paragraph 4(c) of the Policy.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The second element of paragraph 4(a) of the Policy has therefore 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 sets out circumstances which, 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 observes that the ATACADÃO and ATACADAO trademarks have been widely used in commerce in Brazil long before the registration of the disputed domain name. Previous UDRP panels have also recognized that the Complainants' trademarks enjoy a high degree of recognition in Brazil. Given the longstanding use and reputation of the Complainants' marks, the Panel finds it implausible that the Respondent was unaware of the Complainants' ATACADÃO and ATACADAO trademarks when registering the disputed domain name. The Respondent has not contested the Complainants' assertions regarding the existence or use of these marks. On that basis, the Panel finds it more likely than not that the Respondent was aware of the Complainants' trademarks at the time of registration.

The Panel further notes that the disputed domain name incorporates the Complainants' trademark ATACADAO in its entirety, combined with the geographic terms "bras" and "sao paulo." The term "Brás" refers to a well-known commercial district located in the city of São Paulo, Brazil. The combination of these elements may suggest a connection with a commercial activity of the Complainants operating in that location.

The Complainant contends that no information is displayed on the website identifying the legal entity operating the website, its corporate name, registration number, or physical address. The Panel also notes that the Respondent's address, as confirmed by the Registrar, is located in a municipality in the state of Pará in the north of Brazil.

The evidence on record further shows that the disputed domain name resolves to an active website displaying the designation "Atacadão Brás" and offering products for sale through an online commercial platform. The website includes product listings, pricing information in Brazilian currency, and purchasing functionalities typical of an e-commerce interface.

In these circumstances, the combination of the Complainants' trademark with the geographic references "Brás" and "São Paulo", together with the operation of an online sales platform under the designation "Atacadão Brás", may give rise to a likelihood of confusion as to the source, affiliation, or endorsement of the website.

The Panel also notes that previous UDRP panels have reached similar conclusions in cases involving the Complainants' ATACADÃO trademark, where respondents used domain names incorporating the mark in connection with commercial websites in a manner suggesting affiliation with the Complainants' retail activities. See, e.g., *Carrefour SA and Atacadão - Distribuição, Comércio E Indústria LTDA. v. WALDIR PENIDO*, WIPO Case No. [D2025-5429](#).

By using the disputed domain name in this manner, the Respondent is found, on the balance of probabilities and in the absence of any Response, to have intentionally attempted to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainants' ATACADÃO and ATACADAO trademarks as to the source, sponsorship, affiliation, or endorsement of the website and the products offered on it. Such conduct falls squarely within the circumstances described in paragraph 4(b)(iv) of the Policy.

In light of the circumstances of this case, the Panel finds that the disputed domain name was registered and is being used in bad faith.

Accordingly, the Panel concludes that the third element of paragraph 4(a) of the Policy has been established.

## 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 <atacado-bras-sao-paulo.com> be transferred to the Complainant.

/Marcello do Nascimento/

**Marcello do Nascimento**

Sole Panelist

Date: March 19, 2026