

ADMINISTRATIVE PANEL DECISION

Carrefour SA, Atacadão S.A. v. Gabriel Admin
Case No. D2026-1165

1. The Parties

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

The Respondent is Gabriel Admin, Brazil.

2. The Domain Name and Registrar

The disputed domain name <atacado.website> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 18, 2026. On March 18, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 19, 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 (Redacted for Privacy/Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainants on March 20, 2026, 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 March 23, 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 March 25, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 14, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 15, 2026.

The Center appointed Kiyoshi Tsuru as the sole panelist in this matter on April 22, 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 Complainants are Carrefour SA, a multinational retail group headquartered in France, and Atacadão S.A., a Brazilian wholesale and retail chain acquired by Carrefour in 2007. Atacadão S.A. operates hundreds of stores throughout Brazil and forms part of the Carrefour Group.

The Complainants submitted evidence of registrations for the trademarks ATACADAO and ATACADÃO in Brazil and the European Union:

Jurisdiction	Reg. No.	Trademark	Registration Date	Class(es)
European Union	012020194	ATACADAO	May 24, 2015	35
Brazil	006785360	ATACADÃO	October 10, 1978	29
Brazil	006785344	ATACADÃO	October 10, 1978	31
Brazil	006937497	ATACADAO	May 25, 1979	35

The Complainants operate domain names incorporating the ATACADAO mark, including <atacado.com.br>, registered since 1997.

The disputed domain name <atacado.website> was registered on March 9, 2026. As evidenced in the Complaint, the disputed domain name resolved to an active website presenting itself as “Atacadao S.a.” and reproducing the Complainants’ corporate name and a Brazilian company identifier (CNPJ) corresponding to Atacadão S.A., while displaying different contact details. It does not currently resolve to an active website.

5. Parties’ Contentions

A. Complainants

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

Notably, the Complainants contend the following:

I. Identical or confusingly similar

That the disputed domain name <atacado.website> is identical, or at least confusingly similar, to trademarks in which they have rights for the purposes of paragraph 4(a)(i) of the Policy.

That they own multiple registrations for the marks ATACADAO and ATACADÃO, including long-standing Brazilian trademark registrations dating back to 1978 and 1979, as well as a European Union trademark registered in 2015, all of which predate the date of registration of the disputed domain name.

That the disputed domain name reproduces the mark ATACADAO in its entirety, without any alteration. That the addition of the generic Top-Level Domain (“gTLD”) “.website” is a technical requirement of registration and does not prevent a finding of identity or confusing similarity under the Policy. That the ATACADAO mark is the sole recognizable element of the disputed domain name.

II. Rights or legitimate interests

That the Respondent has no rights or legitimate interests in respect of the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

That the Respondent is not affiliated with the Complainants in any way and has not been licensed, authorized, or otherwise permitted to use the ATACADAO or ATACADÃO trademarks, nor to register any domain name incorporating those marks. That there is no evidence showing that the Respondent owns any

trademark registrations corresponding to the term “atacado”, nor that it has been commonly known by the disputed domain name.

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. That, at the time of filing the Complaint, the disputed domain name resolved to an active website presenting itself as “Atacadao S.a.” and reproducing the Complainants’ corporate name and a Brazilian company identifier (CNPJ) corresponding to Atacadão S.A., while displaying different contact details. That this use constitutes an impersonation of the Complainants and creates a false impression of affiliation rather than a bona fide or fair use.

That such use is inherently misleading and cannot qualify as legitimate noncommercial or fair use under paragraph 4(c)(iii) of the Policy, as it falsely suggests sponsorship from or endorsement by the Complainants.

That they have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name, which has not been rebutted by the Respondent.

III. Registered and used in bad faith

That the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

That given the longstanding and well-known nature of the ATACADÃO brand, particularly in Brazil, the Respondent could not credibly have been unaware of the Complainants and their trademarks at the time of registration of the disputed domain name. That the registration of a domain name identical or confusingly similar to a distinctive and well-known trademark by an unaffiliated party gives rise to a presumption of bad faith.

That the Respondent’s use of the disputed domain name demonstrates bad faith under paragraph 4(b)(iv) of the Policy. That by causing the disputed domain name to resolve to a website that identifies itself as “Atacadao S.a.”, reproduces the Complainants’ corporate details and CNPJ number, and presents alternative contact information, the Respondent has intentionally attempted to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainants’ marks as to the source, sponsorship, affiliation, or endorsement of the website.

That additional indicia of bad faith include the Respondent’s initial use of a privacy service and the provision of contact details that the Complainants contend appear implausible or fictitious, which, taken together with the Respondent’s impersonation conduct, further support a finding of bad faith registration and use.

B. Respondent

The Respondent did not reply to the Complainants’ contentions.

6. Discussion and Findings

Paragraph 4(a) of the Policy sets out the three requirements that the complainants must prove in order to successfully request remedies:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark to which the complainants have rights;
- (ii) that the respondent has no rights or legitimate interests in connection with the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

Given the Respondent's default and therefore, failure to specifically address the case merits as they relate to the three UDRP elements, the Panel may decide this proceeding based on the Complainants' undisputed factual allegations under paragraphs 5(f), 14(a), and 15(a) of the Rules (see *Groupe Auchan v. Roberto La Palombara*, WIPO Case No. [D2014-0660](#); see also WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.3).

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 Complainants' trademark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

The Complainants have shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1. The Panel finds that the Complainants have established rights in the trademarks ATACADAO and ATACADÃO, based on the abovementioned trademark registrations, all of which precede the registration of the disputed domain name.

The entirety of the mark ATACADAO is reproduced within the disputed domain name. Consistent with section 1.7 of the [WIPO Overview 3.1](#), where a domain name incorporates a trademark in its entirety, the domain name will be considered identical or confusingly similar to that trademark. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy (see [WIPO Overview 3.1](#), section 1.7). The addition of the generic Top-Level Domain ("gTLD") ".website" is generally disregarded for the purposes of comparison under paragraph 4(a)(i) of the Policy.

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 that 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 3.1](#), 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 name. 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 name such as those enumerated in the Policy or otherwise.

The Complainants asserted that the Respondent is not affiliated with them, has not been licensed or authorized to use the ATACADAO or ATACADÃO marks, and does not hold any trademark rights in the term "atacado". There is no evidence in the record that the Respondent has been commonly known by the disputed domain name.

The disputed domain name resolved to a website presenting itself as "Atacadao S.a." and displaying the Complainants' company name and a Brazilian company identifier associated with Atacadão S.A., while listing contact details that did not correspond to the Complainants. Such use creates a false impression of affiliation with the Complainants.

Such conduct constitutes impersonation. Panels have consistently held that a respondent's use of a domain name to impersonate a complainant or to falsely suggest sponsorship or endorsement cannot confer rights or legitimate interests under the Policy (see [WIPO Overview 3.1](#), section 2.5.1; see also *Fulham Football Club (1987) Limited, Tottenham Hotspur Public Limited, West Ham United Football Club PLC, Manchester United Limited, The Liverpool Football Club And Athletic Grounds Limited v. Domains by Proxy, Inc./ Official Tickets Ltd*, WIPO Case No. [D2009-0331](#); and *Digital Division Limited v. Yaroslav Kariakin, meble TOV*, WIPO Case No. [D2026-0672](#)).

Panels have consistently found that the use of a domain name that is identical to a complainant's trademark to impersonate or falsely suggest affiliation with the complainant does not constitute a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy, nor a legitimate noncommercial or fair use under paragraph 4(c)(iii) (see WIPO Overview 3.1, section 2.5.1; see also *Carrefour SA and Atacadão S.A. v. ELAINE APARECIDA ZINATTO ZINATTO*, WIPO Case No. [D2024-0107](#); *Carrefour SA and Atacadão S.A. v. Marcus Vinicius*, WIPO Case No. [D2024-0357](#) and *Accenture Global Services Limited v. Whois Privacy Protection Foundation / Name Redacted*, WIPO Case No. [D2021-2874](#)).

The Respondent has failed to submit a Response or provide any evidence capable of rebutting the Complainants' prima facie case. The Panel therefore finds that the Respondent has no rights or legitimate interests in the disputed domain name. The requirement of paragraph 4(a)(ii) of the Policy is satisfied.

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 ATACADÃO mark is long-established and well-known, particularly in Brazil, where the Respondent is located. In the circumstances of this case, the Panel finds it implausible that the Respondent registered the disputed domain name without knowledge of the Complainants and their trademark rights. Registration of a domain name identical to a well-known trademark by an unaffiliated party supports an inference of bad faith (see [WIPO Overview 3.1](#), section 3.2.1).

The disputed domain name resolved to an active website presenting itself as "Atacadao S.a.", reproducing the Complainants' corporate name and a Brazilian company identifier associated with one of the Complainants, while displaying contact information that does not correspond to the Complainants. Such use creates a misleading impression of an official or authorized website.

The Panel finds that the Respondent has intentionally attempted to attract Internet users by creating a likelihood of confusion with the Complainants' trademarks as to source, sponsorship, affiliation, or endorsement. Such conduct falls under paragraph 4(b)(iv) of the Policy.

Panels have consistently found that the use of a disputed domain name to impersonate a complainant, reproduce its corporate identity, or falsely suggest affiliation for commercial or fraudulent purposes constitutes evidence of bad faith registration and use (see [WIPO Overview 3.1](#), sections 3.1.4 and 3.4; see also *CBOCS Properties, Inc. v. Kas Is*, WIPO Case No. [D2025-1419](#)). The fact that the disputed domain name does not currently resolve to an active website does not prevent a finding of bad faith.

The requirement of paragraph 4(a)(iii) of the Policy is satisfied.

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.website> be transferred to the Complainants.

/Kiyoshi Tsuru/

Kiyoshi Tsuru

Sole Panelist

Date: May 6, 2026