ADMINISTRATIVE PANEL DECISION

Carrefour SA. v. 郭玉辉 (Yu Hui Guo)
Case No. D2026-1683

1. The Parties

The Complainant is Carrefour SA., France, represented by IP Twins SAS, France.

The Respondent is 郭玉辉 (Yu Hui Guo), China.

2. The Domain Name and Registrar

The disputed domain name <carrefourshop.shop> is registered with Chengdu West Dimension Digital Technology Co., Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on April 21, 2026. On April 21, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 22, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, 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 in English on April 23, 2026.

On April 22, 2026, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On April 23, 2026, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on April 30, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 20, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 26, 2026.

The Center appointed Qiang Ma as the sole panelist in this matter on June 1, 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 Complainant is Carrefour SA, an international retail company that has operated hypermarkets since 1968. The Complainant generated approximately EUR 87.2 billion in revenue in 2024. It is listed on the CAC 40 index of the Paris Stock Exchange and operates more than 14,000 stores in over 40 countries, employing over 500,000 people worldwide. In addition to the core retail business, the Complainant also offers a range of supplementary services, including travel, banking, insurance, and ticketing.

The Complainant is the owner of a portfolio of CARREFOUR trademark registrations, including but not limited to International registration CARREFOUR, registered on October 2, 1968 and designated for International Classes 1 to 34 (Registration No. 351147), International registration CARREFOUR, registered on February 28, 1969 and designated for International Classes 35 to 42 (Registration No. 353849), and European Union trade mark CARREFOUR, registered on August 30, 2007 and designated for International Classes 9, 35 and 38 (Registration No. 5178371). In addition, the Complainant's CARREFOUR trademarks have been recognized as well-known by numerous UDRP panels.

The Complainant has also evidenced ownership of several domain names incorporating the CARREFOUR trademarks, for example, <carrefour.com>, registered since 1995, and <carrefour.fr>, registered since 2005.

The Respondent, according to the disclosed WhoIs information for the disputed domain name, is located in China.

The disputed domain name <carrefourshop.shop> was registered on April 11, 2026. At the time of the initial filing of the Complaint, the disputed domain name did not resolve to any active website. However, the Complainant submitted evidence (Annex 9-1-2) demonstrating that the disputed domain name had previously been used to host an online shopping website that reproduced the Complainant's trademarks in the header.

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 name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to its well-known CARREFOUR trademarks. According to the Complainant, the disputed domain name incorporates the CARREFOUR trademarks in its entirety, with the addition of the term "shop" and the ".shop" generic Top-Level Domain ("gTLD"), neither of which prevents a finding of confusing similarity.

The Complainant further argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has not authorized the Respondent to use its CARREFOUR trademarks and there is no evidence that the Respondent has been commonly known by the disputed domain name. Moreover, the Respondent has not made any bona fide offering of goods or services through the disputed domain name. Instead, the disputed domain name was used for a website impersonating the Complainant, which cannot give rise to rights or legitimate interests under the Policy.

In addition, the Complainant contends that the disputed domain name was registered and is being used in bad faith. In light of the worldwide reputation of its CARREFOUR trademarks, the Respondent must have been aware of the Complainant and its marks when registering the disputed domain name. The Respondent used the disputed domain name to operate a website impersonating the Complainant, thereby intentionally attempting to attract Internet users by creating a likelihood of confusion with the Complainant's trademarks. The Complainant also submits that the current inactive status of the disputed domain name does not preclude a finding of bad faith under the doctrine of passive holding.

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is English. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the disputed domain name is composed entirely of Latin characters, incorporating the Complainant's well-known CARREFOUR trademark together with the English term "shop". In addition, the Respondent had used the disputed domain name to host a website directed to English-speaking Internet users, which indicates that the Respondent is capable of understanding and participating in an English-language proceeding. The Complainant further submitted that it has no knowledge of Chinese and would incur substantial additional costs and delay if required to conduct the proceeding in Chinese.

The Respondent did not submit any comment on the Complainant's request regarding the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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 3.1, section 1.7.

The Complainant has 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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms here, "shop", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

The Panel further notes that the applicable gTLD (".shop") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Therefore, the disputed domain name is confusingly similar to the Complainant's trademark. WIPO Overview 3.1, section 1.11.1.

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 Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. 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 name such as those enumerated in the Policy or otherwise.

Firstly, the Respondent is not commonly known by the disputed domain name or any similar name. The Respondent has neither acquired nor applied for any trademark rights in CARREFOUR or CARREFOURSHOP. Moreover, the Respondent's name does not resemble the disputed domain name, nor is it used as a company name. Based on the foregoing, it may reasonably be concluded that the Respondent is not commonly known by the disputed domain name.

Secondly, there is no evidence that the Respondent has used or made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services. To the contrary, the Panel notes the evidence (Annex 9-1-2) showing that the disputed domain name was previously used to host a website reproducing the Complainant's device and word marks in the header without authorization, thereby passing off the Complainant. Currently, the disputed domain name no longer resolves to any active webpage. Accordingly, the Respondent has made no bona fide offering of goods or services and lacks any rights or legitimate interests in the disputed domain name.

Finally, the Respondent does not appear to be making any legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or tarnish the Complainant's trademark. In the present case, the disputed domain name currently resolves to an inactive webpage without any actual use. The Respondent previously used the disputed domain name in connection with an online shopping website with the intention of passing off the Complainant. It is therefore evident that the Respondent has failed to demonstrate any legitimate noncommercial or fair use of the disputed domain name.
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 given the Complainant's CARREFOUR trademarks are widely known worldwide and have repeatedly been recognized as well-known by numerous UDRP panels. Given this reputation, the Respondent must have been aware of the Complainant's trademarks when registering the disputed domain name. The registration of a domain name that is confusingly similar to a well-known trademark by an unaffiliated entity may, by itself, create a presumption of bad faith. WIPO Overview 3.1, section 3.1.4.

Moreover, the Panel notes the evidence (Annex 9-1-2) showing that the Respondent used the disputed domain name to host a website reproducing the Complainant's device and word marks in the header. This constitutes an intentional attempt to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's marks as to source, sponsorship, affiliation, or endorsement, which falls squarely within paragraph 4(b)(iv) of the Policy.

Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. WIPO Overview 3.1, section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's CARREFOUR trademarks, the composition of the disputed domain name, and the Respondent's prior use of the disputed domain name for passing off, and finds that in the circumstances of this case, the current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. Accordingly, the Panel determines that the disputed domain name was registered and is being used 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 <carrefourshop.shop> be transferred to the Complainant.

/Qiang Ma/
Qiang Ma
Sole Panelist
Date: June 15, 2026