ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Carrefour SA and Atacadão S.A. v. Jhonatan Santos da Silva,
Dona Informatica LTDA
Case No. D2026-1705

1. The Parties

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

The Respondent is Jhonatan Santos da Silva, Dona Informatica LTDA, Brazil.

2. The Domain Names and Registrar

The disputed domain names <acessoatacadao.site> and <acessocartaoatacadao.site> are registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 22, 2026. On April 22, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On April 22, 2026, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainants on April 23, 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 April 24, 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 April 29, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 19, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 21, 2026.

The Center appointed Reyes Campello Estebaranz 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 Carrefour SA is one of the global leaders in the retail and hypermarket sector, where it has been operating since 1968. It operates more than 14,000 stores across more than 40 countries, employs over 500,000 people worldwide, and welcomes millions of unique daily visitors to its stores. With a total revenue amounting to approximately EUR 87.2 billion in 2024, Carrefour SA is listed on the CAC 40 index of the Paris Stock Exchange.

The Complainant Atacadão S.A. is a Brazilian chain of wholesale and retail stores established in 1960 and acquired by Carrefour SA in 2007. With over 350 stores and distribution centers across all Brazilian states and more than 76,000 employees, Atacadão S.A. is the largest wholesale network in Brazil, accounting for more than 30% of the sector's total revenue. In 2010, it initiated an international expansion program, extending its activities to other countries, including Colombia, Argentina, and Morocco.

Both companies belong to the same corporate group and have jointly filed the Complaint.

The Complainants operate under various brands, including the ATACADAO, ATACADÃO, and CARTÃO ATACADÃO marks, and own numerous trademark registrations for these brands, including:

- European Union Trade Mark Registration No. 012020194, ATACADAO (word), registered on May 24, 2015;

- Brazilian Trademark Registration No. 006785360, ATACADÃO (word), registered on October 10, 1978;

- Brazilian Trademark Registration No. 006937497, ATACADAO (word), registered on May 25, 1979;

- Brazilian Trademark Registration No. 840880359, CARTÃO ATACADÃO (word), registered on July 24, 2018.

(Hereinafter collectively referred to as the "ATACADAO Marks", or individually as the "ATACADAO Mark" and the "CARTAO ATACADAO Mark").

The Complainants also own various domain names incorporating their trademarks, including <cartaoatacadao.com.br> and <atacadao.com.br>, the latter of which resolves to the Complainants' official website.

The disputed domain names were registered on April 13, 2026. They are currently inactive and resolve to Internet browser error pages indicating that the sites cannot be reached.

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 names.

Notably, the Complainants assert that the ATACADAO Marks enjoy a widespread, continuous reputation, as recognized by prior decisions under the Policy.

The Complainants further contend that the disputed domain names are confusingly similar to the ATACADAO Mark, which is immediately recognizable and entirely reproduced within them. Additionally, the disputed domain name <acessocartaoatacadao.site> fully incorporates the CARTAO ATACADAO Mark. The addition of the Portuguese terms "acesso" and "cartao" ("access" and "card" in English) does not diminish the confusing similarity. Moreover, the use of lower-case formatting and the generic Top-Level Domain ("gTLD") ".site" are irrelevant for the purposes of establishing confusing similarity under the first element.

Regarding the second element, the Complainants assert that the Respondent has no rights or legitimate interests in the disputed domain names. The Complainants' searches revealed no trademark registrations owned by the Respondent for the term "atacadao" or any similar variation, and there is no evidence suggesting that the Respondent is commonly known by the disputed domain names. The Respondent has no authorization or license to use the Complainants' trademarks, and the disputed domain names have not been used in connection with a bona fide offering of goods or services. Furthermore, the disputed domain names are inherently misleading; their specific composition carries a high risk of implied affiliation, effectively impersonating the Complainants or suggesting sponsorship or endorsement, which cannot constitute fair use.

Finally, the Complainants contend that the Respondent registered and is using the disputed domain names in bad faith. Given the distinctive composition of the disputed domain names, it is implausible that the Respondent was unaware of the Complainants' prior rights. This is further compelled by the fact that the Respondent is located in Brazil, where the Complainants are headquartered and enjoy undisputed fame. The choice of the disputed domain names cannot be accidental and creates a presumption of bad faith, as panels consistently find that registering a domain name that is confusingly similar to a famous mark by an unaffiliated entity implies bad faith. A simple search engine query or trademark search at the time of registration would have exclusively revealed the Complainants' rights. The Respondent's failure to conduct this basic due diligence constitutes an additional factor of bad faith. Under the doctrine of passive holding, the current non-use of the disputed domain names does not prevent a finding of bad faith; rather, this inactivity prevents the Complainants from reflecting their trademarks in the corresponding domain names.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

Accordingly, pursuant to paragraphs 5(f) and 14(a) of the Rules, the Panel shall decide the dispute based on the Complaint and the evidence submitted, and may draw such inferences from the Respondent's default as it deems appropriate. However, the Respondent's failure to reply does not automatically lead to a decision in favor of the Complainants. The Complainants still bear the burden of establishing a prima facie case for each of the three elements under paragraph 4(a) of the Policy.

6. Discussion and Findings

The Complainants have submitted all relevant assertions under the Policy, and the dispute properly falls within its scope. The Panel has the authority to decide the dispute by examining the three elements set forth in paragraph 4(a) of the Policy, taking into account all relevant evidence, annexed materials, and submissions. The Panel may also conduct limited independent research pursuant to its general powers, as provided, inter alia, in paragraph 10 of the Rules.

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 names. 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, namely the ATACADAO and the CARTAO ATACADAO Marks. WIPO Overview 3.1, section 1.2.1.

The Panel finds that the ATACADAO Mark is readily recognizable within both of the disputed domain names, and the CARTAO ATACADAO Mark is fully recognizable within the disputed domain name <acessocartaoatacadao.site>. Accordingly, the disputed domain names are confusingly similar to the Complainants' marks for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Furthermore, while the addition of other terms - specifically, the Portuguese words "acesso" and "cartao" (translated into English as "access" and "card", respectively) - may be relevant to the assessment under 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 Complainants' marks under the first element. WIPO Overview 3.1, section 1.8.

Additionally, it is well-established that the gTLD, in this case ".site", is viewed as a standard technical registration requirement and, as such, is typically disregarded under the confusing similarity test. WIPO Overview 3.1, section 1.11.1.

Accordingly, 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 the disputed domain names.

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 names. 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 names such as those enumerated in the Policy or otherwise.

The Panel finds that nothing in the record indicates that the Respondent may be commonly known by the disputed domain names. The Respondent's name, as revealed by the Registrar verification, shares no similarities with the term "atacadao", "atacadão" or any of the other terms included in the disputed domain names. Additionally, the Panel has corroborated, through various searches over the Global Brand database, that, according to the Complainants' allegations the Respondent holds no trademark registrations over the terms included in the disputed domain names.

The Panel notes that the Portuguese terms "acesso", "cartão", and "atacadão" are dictionary words that can be translated into English as "access", "card", and "wholesale" (or "big warehouse"), respectively. UDRP panels have established that merely registering a domain name comprised of a dictionary word or phrase does not, by itself, automatically confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.10.

The Panel further finds that the specific nature and composition of the disputed domain names - incorporating the Complainants' ATACADAO Marks alongside descriptive terms related to its business (such as "access" and "card") – signal the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain names and the Complainants as to the origin or affiliation of the websites at the dispute domain names.

Accordingly, the Panel finds that the second element of paragraph 4(a) of the Policy has been satisfied.

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.

The Panel notes that numerous prior decisions under the Policy have recognized the well-known character of the ATACADAO Marks. The Panel concurs with this assessment, particularly regarding Brazil, where the mark has been extensively and primarily used for over 60 years (since 1960). See *Carrefour SA and Atacadão S.A. v. atacado varejo,* WIPO Case No. D2023-3011; *Atacadão - Distribuição, Comércio E Indústria LTDA. v. seong-chea park,* WIPO Case No. D2022-4615; *Carrefour S.A., Atacadão S.A. v. Gabriel Silva,* WIPO Case No. D2023-4424; *Carrefour SA and Atacadão S.A. v. Jaay Shop, privada,* WIPO Case No. D2023-5152; *Carrefour SA, Atacadão S.A. v. ELIANE COSTA,* WIPO Case No. D2024-1077; and *Carrefour SA and Atacadão S.A. v. Domain Privacy, Domain Name Privacy Inc,* WIPO Case No. D2024-2527.

The Panel further observes that the disputed domain names incorporate the famous ATACADAO Mark in its entirety, and one of them, <acessocartaoatacadao.site>, also fully incorporates the CARTÃO ATACADÃO Mark. These marks are combined with the Portuguese term "acesso" ("access"), which contributes to a false impression of affiliation with the Complainant. UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or well-known trademark by an unaffiliated entity can, by itself, create a presumption of bad faith. WIPO Overview 3.1, section 3.1.4

In view of the widespread reputation of the ATACADAO Marks, particularly in Brazil, and the fact that the Respondent is located in that very country according to the Registrar-disclosed contact information , the Panel finds it inconceivable that the Respondent was unaware of the Complainants' marks at the time of registration. This finding, coupled with the Respondent's lack of rights or legitimate interests and the subsequent failure to rebut the Complainants' prima facie case and their allegations of bad faith, strongly supports a finding of bad faith registration.

Furthermore, the current inactivity or passive holding of the disputed domain names does not prevent a finding of bad faith. As established by consensus UDRP doctrine, the non-use of a domain name (including a blank or "coming soon" page) 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 record, and noting the substantial reputation of the Complainants' trademarks along with the composition of the disputed domain names, the Panel finds that the passive holding of the domain names in this case does not prevent a finding of bad faith under the Policy.

Additionally, the Panel notes that given that the disputed domain names combine the Complainants' famous mark with the Portuguese terms "acesso" (access) and "cartao" (card), their composition strongly suggests a predisposition for fraudulent targeting, such as phishing operations directed at the Complainants' credit card customers.

Finally, the Panel finds that the Respondent has engaged in a pattern of conduct designed to prevent the Complainants from reflecting their trademarks in corresponding domain names, pursuant to paragraph 4(b)(ii) of the Policy. UDRP panels have consistently held that a pattern of bad faith conduct can be established with as few as two instances of abusive registration. Such a pattern is frequently found where a respondent simultaneously or otherwise registers multiple trademark-abusive domain names corresponding to a brand or distinct marks the same or different brand owners. WIPO Overview 3.1, section 3.1.2; and e.g., *Autodesk, Inc. v. Bayram Fatih Aksoy,* WIPO Case No. D2016-2000.

Accordingly, the Panel finds that the Complainants have 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 <acessoatacadao.site> and <acessocartaoatacadao.site> be transferred to the Complainant.

/Reyes Campello Estebaranz/
Reyes Campello Estebaranz
Sole Panelist
Date: June 8, 2026