

## **ADMINISTRATIVE PANEL DECISION**

Carrefour SA, Atacadão S.A. v. Vania luamar  
Case No. D2026-1756

### **1. The Parties**

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

The Respondent is Vania luamar, Brazil.

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 24, 2026. On April 27, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 28, 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 Complainants on April 29, 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 May 4, 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 May 5, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 25, 2026. The Respondent did not submit any response. The Respondent sent an email communication to the Center on May 4, 2026. The Center notified the Parties of commencement of panel appointment process on May 26, 2026.

The Center appointed Mario Soerensen Garcia as the sole panelist in this matter on May 29, 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 Atacadão S.A., a Brazilian chain of wholesale stores established in 1960, and the French company Carrefour SA. Since the Complainant, Atacadão S.A. was acquired by Carrefour Group in 2007, the companies Carrefour SA and Atacadão S.A. have opted to be joint Complainants in the present proceedings (hereinafter referred to together as the “Complainant”).

The Complainant is the owner of several ATACADAO and ATACADÃO trademarks registered before the registration of the disputed domain name, such as:

- 1) The European Union registration No. 012020194, for Trade Mark ATACADAO, registered on May 24, 2015, in class 35;
- 2) Brazilian registration No. 006785344, for trademark ATACADÃO, registered on October 10, 1978, in class 31; and
- 3) Brazilian registration No. 006937497, for trademark ATACADAO, registered on May 25, 1979, in class 35.

The Complainant also owns the domain name <atacado.com.br>, registered on October 9, 1997.

The Respondent is Vania luamar reportedly from Brazil.

The disputed domain name <superatacado.shop> was registered on April 16, 2026, and according to the Complaint, had resolved to an inactive page and then resolved to an e-commerce platform appearing to purportedly offering furniture and home decoration goods; at the time of rendering of this Decision, the disputed domain name resolves to an inactive page.

#### **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.

The Complainant argues that the disputed domain name is confusingly similar to its ATACADAO trademarks.

The Complainant submits that there is no evidence that the Respondent has made demonstrable preparations to use the disputed domain name in relation to a bona fide offering of goods or services, and that the Respondent is using the disputed domain name in order to capitalize on the goodwill associated with the Complainant's well-known trademark. The Complainant argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

According to the Complainant, it has prior rights over the trademarks ATACADAO and ATACADÃO and has not authorized the Respondent's registration and use of the disputed domain name.

The Complainant's intellectual property rights for its trademarks predate the registration of the disputed domain name.

The Complainant argues that the registration and the use of the disputed domain name have been conducted in bad faith.

The Complainant requests the transfer of the disputed domain name.

## **B. Respondent**

On May 4, 2026, the Respondent sent an email communication only displaying "?", and no further comments were made.

## **6. Discussion and Findings**

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

(i) the disputed domain name is identical or confusingly similar to the trademark or service mark in which the Complainant has rights;

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is used in bad faith.

### **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 of WIPO Panel Views on Select UDRP Questions ("[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 trademark ATACADÃO is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

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 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 that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

Also, the Complainant has shown extensive preexisting rights over the trademark ATACADÃO in several previous UDRP decisions, including but not limited to: *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, Atacadão S.A. v. ELIANE COSTA*, WIPO Case No. [D2024-1077](#).

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.

There is no evidence that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name or that, before any notice of the dispute, the Respondent has made use of, or demonstrable preparations to use the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services.

The Panel finds that 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.

At the time of the original filing of the Complaint, the disputed domain name resolved to an error page. However, as of May 4, 2026, coinciding with the filing of the amended Complaint, the disputed domain name resolved to an e-commerce website operating under the name "Super Atacadão".

The Panel notes that this change in use occurred after the filing of the Complaint. Such conduct supports the inference that the Respondent sought to alter the use of the disputed domain name in an attempt to avoid an adverse finding and to take advantage of the reputation associated with the Complainant. The Panel further observes that the Brazilian tax identification number displayed on the website at the disputed domain name corresponds to an entity identified as "Super Atacado LTDA", and not to "Atacadão". This discrepancy reinforces doubts as to the legitimacy of the Respondent's activities and its purported connection to the name used on the website.

In the present case, the Panel finds more likely than not that the Respondent was aware of the Complainant's trademarks as the disputed domain name incorporates the trademark ATACADÃO in its entirety and is confusingly similar to the Complainant's domain name. Besides, the Complainant's trademark registrations predate the registration date of the disputed domain name. In the absence of any Response, and taking into account the above elements, the Panel finds that the disputed domain name was registered only in 2026 with the intention of capitalizing on the goodwill associated with the Complainant's well-known trademark.

The disputed domain name does not resolve to an active website. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the reputation of the Complainant's trademark, the change of use of the disputed domain name, and the lack of Response by the Respondent, and finds that in the circumstances of this case the initial and current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

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 <superatacado.shop> be transferred to the Complainant.

*/Mario Soerensen Garcia/*

**Mario Soerensen Garcia**

Sole Panelist

Date: June 12, 2026