ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
CARREFOUR SA v. Host Master, Njalla Okta LLC
Case No. D2026-1996

1. The Parties

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

The Respondent is Host Master, Njalla Okta LLC, Saint Kitts and Nevis.

2. The Domain Name and Registrar

The disputed domain name <carrefour-concours.com> is registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 8, 2026. On May 8, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 8, 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/REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 12, 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 May 13, 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 15, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 5, 2026.

The Center appointed William A. Van Caenegem as the sole panelist in this matter on June 9, 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 a supermarket operator with total revenue amounting to approximately EUR 87,2 billion in 2024. The Complainant is headquartered in France but operates about 14,000 stores in more than 40 countries worldwide. According to the Complainant, it has more than 500,000 employees and millions of daily unique visitors to its stores.

The Complainant owns numerous trademark registrations including International trademark CARREFOUR No. 351147, registered on October 2, 1968, duly renewed, and designating goods in international classes 1 to 34; International trademark CARREFOUR No. 353849, registered on February 28, 1969, duly renewed, and designating services in international classes 35 to 42; and European Union Intellectual Property Office ("EUIPO") trademark CARREFOUR No. 005178371, registered on August 30, 2007, duly renewed, and designating goods and services in international classes 9, 35 and 38.

The Complainant operates two of its official websites at the domain name <carrefour.com>, which has been registered since October 25, 1995, and also at the domain name <carrefour.fr> since June 23, 2005. These are among many domain names owned by the Complainant.

The disputed domain name was registered on April 28, 2026. The disputed domain name does not currently resolve to an active website. At the time of filing the Complaint, the disputed domain name resolved to a website displaying the Complainant's logo and promoting a competition to win a phone, displaying other third-party marks and products.

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 earlier well-known CARREFOUR registered trademarks, which are entirely reproduced and immediately recognizable as its first part. The Complainant contends that it is well-established by previous UDRP cases that the addition of generic terms such as "concours" (French word for "contest" or "competition") to a trademark in a domain name does not prevent a finding of confusing similarity between the disputed domain name and trademark. Incorporation of a trademark in its entirety has commonly been held to be sufficient to establish confusing similarity by previous UDRP panels, the Complainant points out.

Furthermore, searches performed by the Complainant reveal that there is no trademark similar or identical to CARREFOUR that is owned by the Respondent, so that it appears the latter has no trademark rights in that term. The Complainant adds that there is no evidence that the Respondent has been commonly known by the disputed domain name as an individual, business, or other organization. Additionally, the Complainant has not afforded any license or authorization to the Respondent to use its mark, which the Complainant says is strong evidence of the absence of rights or legitimate interests. The Complainant asserts that the disputed domain name resolved to a rogue website that replicated its trademarks, while promoting a competition to win a phone and displaying other third-party marks and products, in an attempt to mislead Internet users into thinking it is legitimately connected with the Complainant, which is of course not the case. Such activities cannot be considered bona fide and cannot give rise to rights or legitimate interests, the Complainant concludes.

The Complainant asserts that the Respondent's attempt to mislead Internet users, by impersonating the Complainant, leaves no doubt that it was well aware of the existence of the Complainant and of its prior rights at the time of registration. In addition to the unauthorized use of the CARREFOUR trademark in the disputed domain name, the Respondent also uses the logo registered by the Complainant, in the relevant website header of the impugned website, the Complainant points out.

The Complainant further contends that the Respondent's choice of domain name cannot have been accidental and must have been influenced by the fame of the Complainant and its earlier trademarks. 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, such as the Complainant contends CARREFOUR is, by an unaffiliated entity can by itself create a presumption of bad faith. The registration and use of the CARREFOUR marks by the Complainant in any case predates the registration of the disputed domain name by many years, the latter states, which points to bad faith and a deliberate attempt to deceive consumers. Furthermore, the Complainant says, simply maintaining the domain name, as is currently the case, prevents the Complainant from reflecting its name and trademarks in the corresponding domain name. In addition, evidence available highlights the Respondent's malicious intentions and its attempt to impersonate the Complainant with a rogue website.

There is no manner in which the Respondent can legitimately use the disputed domain name, the Complainant adds, before concluding by pointing out that the Respondent has been involved in several proceedings, and that its cybersquatting activity has also been recognized by prior panels.

B. Respondent

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

6. Discussion and Findings

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.

Although the addition of other terms, here "concours" added to the trademark CARREFOUR, 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 registered trademark CARREFOUR is immediately recognizable within the disputed domain name, which is sufficient to establish confusing similarity between the Complainant's trademark and the disputed domain name.

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.

Panels have consistently held that the use of a domain name for illegitimate activity, here the previous use of the domain name to resolve to an impersonation website which replicates the Complainant's registered trademark and device while displaying other third-party trademarks and products, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1. At present the disputed domain name does not resolve to any website, but passive holding certainly where it concerns a distinctive and widely recognized trademark with a strong reputation, does not establish rights or lead to the recognition of interests to the benefit of a Respondent.

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 Respondent has registered a domain name that incorporates a very distinctive trademark which was of long and wide use at the time of registration of the disputed domain name. The Respondent has also incorporated a term which is not without relevance to the broad sphere of activity of the Complainant. It is highly unlikely that this occurred without deliberation and forethought from the Respondent, who must have been aware at the time of the Complainant's prior trademark rights. The Respondent's subsequent use of the disputed domain name further reinforces the conclusion that the latter was both registered and used in bad faith. At the time of filing the Complaint, the disputed domain name resolved to a website displaying the Complainant's logo and promoting a competition to win a phone, displaying other third-party marks and products. The evidence shows that the Respondent has used the disputed domain name in a likely attempt to attract, for commercial gain, Internet users to a website by creating a likelihood of confusion with the Complainant's trademark. The Panel therefore finds that the Respondent's registration and use of the disputed domain name carry a risk of implied affiliation, in a likely attempt of taking an unfair advantage of the identity with the Complainant's CARREFOUR mark, and constitutes bad faith under the Policy.

That the disputed domain name does not at present resolve to an active website does not affect this conclusion, as previous UDRP 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 reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the 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 <carrefour-concours.com> be transferred to the Complainant.

/William A. Van Caenegem/
William A. Van Caenegem
Sole Panelist
Date: June 22, 2026