

## **ADMINISTRATIVE PANEL DECISION**

Carrefour SA, Atacadão S.A. v. rodrigo toledo  
Case No. D2026-2034

### **1. The Parties**

The Complainants are Carrefour SA, France (the “First Complainant”), and Atacadão S.A., Brazil (the “Second Complainant”), represented by IP Twins, France.

The Respondent is rodrigo toledo, Brazil.

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

The disputed domain name <br-atacado.xyz> is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 12, 2026. On May 12, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 14, 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/Super Privacy Service LTD c/o Dynadot”) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 15, 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 15, 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 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 16, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 17, 2026.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on June 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 First Complainant has operated in the retail business since 1968, with more than 14,000 stores in over 40 countries, having had a turnaround of EUR 87,2 billion in 2024. The First Complainant additionally offers travel, banking, insurance, and ticketing services.

The Second Complainant was established as a chain of warehouses in 1960, having been bought by the First Complainant in 2007, presently counting over 350 stores and distribution centers in all Brazilian states.

The Second Complainant is the owner of, inter alia, the following trademark registrations (collectively hereinafter referred to as the "ATACADAO Trademark"):

- Brazilian trademark registration No. 006785344 for the word mark ATACADÃO, filed on July 15, 1977, registered on October 10, 1978, successively renewed, in local class 31.10; and
- Brazilian trademark registration No. 006937497 for the word mark ATACADAO, filed on March 21, 1978, registered on May 25, 1979, successively renewed, in local classes 35.10/20/30.

The disputed domain name was registered on April 25, 2026, and, according to the evidence on file, resolved to a website that promoted the sale of grocery products under the name "Mercado Atacadão". The disputed domain name does not presently resolve to an active webpage.

#### 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 that their ATACADAO Trademark enjoys a wide-spread continuous reputation, having already been found to be well known in Brazil by past UDRP panels (*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](#); and *Carrefour S.A., Atacadão S.A. v. Gabriel Silva*, WIPO Case No. [D2023-4424](#)).

The disputed domain name, according to the Complainants, reproduces entirely the Complainants' ATACADAO trademark with the addition of the generic term "br" and a hyphen, which is not sufficient to prevent a finding of confusing similarity under the Policy. Moreover, the added term directly relates to the Complainants' commercial activities in Brazil, as found in *Carrefour SA, Atacadão S.A. v. Fernando Souza, Sandro Amorim, Tamires Souza, Hugo Almeida, daniel alves pereira, ARMAZEM DA ROCA HORTIFRUTI LTDA, Bianca Pimentell, WIU fernando Menezes, WU LTDA*, WIPO Case No. [D2025-1002](#) and *Carrefour SA and Atacadão S.A. v. Jaay Shop, privada*, WIPO Case No. [D2023-5152](#).

As to the Respondent's lack of rights or legitimate interests in the disputed domain name, the Complainants argue that:

- i. the Respondent has never been authorized by the Complainants to use the ATACADAO Trademark in any manner, nor have the Complainants ever given consent for the registration of the disputed domain

name, neither in an explicit nor an implicit way. The Respondent is also not a partner, distributor or licensee of the Complainants, nor is there an existing contractual or commercial relationship between the Complainants and the Respondent which could eventually legitimize the registration and use of the disputed domain name by the Respondent;

ii. the Respondent does not hold trademark rights in the term “atacado”;

iii. the Respondent has not been commonly known by the disputed domain name as an individual, business, or other organization; and

iv. the Respondent has not, before the original filing of the Complaint, used or prepared to use the disputed domain name in relation to a bona fide offering of goods or services, rather having used it, at the time of filing of the complaint, in connection with a webpage offering various grocery products for sale (rice, oil, meat, etc.) and inviting users to place orders via WhatsApp (Annex 9-1 to the Complaint).

The Complainants further contend that the Respondent has registered and is using the disputed domain name in bad faith, with it being inconceivable that the Respondent was unaware of the Complainants or their earlier rights in the ATACADAO Trademark, necessarily having the Second Complainant’s name and trademark in mind when registering the disputed domain name so as to attract Internet users by creating a likelihood of confusion with the Complainants’ earlier marks.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy sets forth three requirements, which have to be met for this Panel to order the transfer of the disputed domain name to the Complainants:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights; and

(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 being used in bad faith.

The Complainants must prove in these administrative proceedings that each of the aforesaid three elements is present in order to obtain the transfer of the disputed domain name.

### **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 of WIPO Panel Views on Select UDRP Questions (“[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 entirety of the ATACADAO Trademark 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 (“br”) and a hyphen 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 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 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.

The Panel considers that the record of this case reflects that:

- the Respondent has never been authorized by the Complainants to use the ATACADAO Trademark in any manner and that the Complainants have never given consent for the registration of the disputed domain name, neither in an explicit nor an implicit way. Further, the Respondent is not a partner, distributor or licensee of the Complainants, nor is there an existing contractual or commercial relationship between the Complainants and the Respondent which could eventually legitimize the registration and use of the disputed domain name by the Respondent;
- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made 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 Respondent (as an individual, business, or other organization) has not been commonly known by the disputed domain name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.1](#), section 2.3;
- the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.1](#), section 2.4;
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the disputed domain name; and
- the disputed domain name reproduces the Second Complainant’s well-known mark in its entirety, coupled with the country code for Brazil, and thus, noting also the prior use of the disputed domain name, the Panel infers that by registering the disputed domain name the Respondent intended to take unfair advantage of the likelihood of confusion between the disputed domain name and the Second Complainant as to the origin or affiliation of the website. The Panel also notes in this regard that the website previously exhibited at the disputed domain name featured a Brazilian company number 00.000.000/0000-00 for the alleged

operator of the website “Mercado Atacadão”. While the Panel has doubts that a company with such a number exists, it notes that incorporation of a company without further evidence of a legitimate business cannot give rise to rights or legitimate interests.

Based on the available record, 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.

The Panel considers that the evidence of this case reflects that: the Complainants hold a well-known trademark in the Brazilian territory, where the Respondent is located, and that the disputed domain name chosen by the Respondent carries a risk of association with the Complainants and their activities, and the disputed domain name has not been used in good faith.

The Panel notes that the disputed domain name resolved to a website offering various grocery products for sale, i.e., the same industry the Complainants operate in, and the Complainants’ trademark was featured on that website. Noting the reputation of the Complainants’ trademark, notably in Brazil, where the Respondent is reportedly located, the Panel infers, on balance, that the Respondent knew of and intended to trade off the Complainants’ trademark rights, which is bad faith.

As regards the current non-use, panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds that the present non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant’s mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent’s taking active steps to conceal its identity or (iv) the use of false or inaccurate contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the Respondent failed to participate in this proceeding, thereby failing to provide any good faith explanation as to its registration and use of the disputed domain name. Additionally, given the reputation of the Complainants’ ATACADAO Trademark, the composition and prior use of the disputed domain name, the Panel 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. Rather, the Panel finds that the current inactive status reinforces the finding that there was no good faith intention behind the registration and prior use of the disputed domain name.

Based on the available record, 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 name <br-atacado.xyz> be transferred to the Complainants.

*/Wilson Pinheiro Jabur/*

**Wilson Pinheiro Jabur**

Sole Panelist

Date: July 1, 2026