

ADMINISTRATIVE PANEL DECISION

Carrefour SA. v. Foncap Ginsberg
Case No. D2026-2465

1. The Parties

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

The Respondent is Foncap Ginsberg, Pakistan.

2. The Domain Name and Registrar

The disputed domain name <carrefour-market.site> is registered with Atak Domain Hosting Internet ve Bilgi Teknolojileri Limited Sirketi d/b/a Atak Teknoloji (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 8, 2026. On June 8, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 9, 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 (Apiname) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 16, 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 June 16, 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 June 22, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 12, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 13, 2026. On July 13, 2026, and July 20, 2026, the Respondent sent email communications to the Center.

The Center appointed Warwick Smith as the sole panelist in this matter on July 20, 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 substantial retailer of foods and other products based in France. It is listed on the Paris Stock Exchange.

According to the Amended Complaint, the Complainant was a pioneer in the establishment of hypermarkets in 1968. Its business operations have grown substantially since then, and it now operates more than 15,000 stores in over 40 countries worldwide, attracting 1.3 million unique visitors daily. The Complainant has more than 500,000 employees worldwide, and its turnover in 2024 was EUR 94.6 billion.

The Complainant is the registered proprietor of the mark CARREFOUR, and of the mark CARREFOUR MARKET, in numerous jurisdictions. It is not necessary to refer to all of those registrations – it is sufficient for the purpose of this decision to refer to the following registrations:

- (i) International registration of the word mark CARREFOUR, covering various goods in International Classes 1 - 34, registered on October 2, 1968 under No. 351147;
- (ii) International registration of the word mark CARREFOUR, covering various services in International Classes 35 – 42, registered on February 28, 1969 under No.353849;
- (iii) International registration of the figurative mark CARREFOUR MARKET, covering various services in International Class 35, registered on December 23, 2009 under No. 1034794.

The Complainant says that it is without doubt a major and well-known worldwide leader in retail trading, and that its CARREFOUR marks have enjoyed and continue to enjoy a widespread reputation internationally. It referred in support to previously decided WIPO cases in which it was the complainant, where its CARREFOUR marks were found to be well-known.¹ It also referred to its fame and notoriety on the Internet, where its Facebook page is currently “liked” by more than 11 million Internet users.

The Complainant is also the owner of numerous domain names, both at national (country) level and at generic (“international”) level that contain the word “carrefour”. Its domain name <carrefour.com> has been registered since 1995.

The disputed domain name <carrefour-market.site> was registered on April 12, 2026. It resolves to a website (“the Respondent’s website”) that consists of a single page with the following text, mostly in white lettering against a dark background:

“Welcome To Project Installation Process.

To continue with the installation process click on the start button. If you choose not to install this application, click on the cancel button.”

¹ The Complainant referred to *Carrefour v Contact Privacy Inc., Customer 0155401638 / Binya Rteam*, WIPO Case D2019-2895, in which the panel found that the Complainant’s CARREFOUR mark was “well known in France and elsewhere”, and “very well-known, as extensively proven by the complainant and recognized in countless UDRP decisions”. The Complainant also referred to *Carrefour v Perfect Privacy, LLC / Milen Radumilo*, WIPO Case D2019-2610, in which the panel referred to the Complainant’s CARREFOUR marks as “well known trademarks.”

Beneath that text, there was a red “Cancel” button and a blue “Start” button for the site visitor to select the “install” option or the “don’t install” option as he or she saw fit. The Complainant apparently did not click on the “Start” button; in any event, it did not provide any more information on the nature of the Respondent’s business, if any, or the use or uses to which the application could be put if one were to install it.

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. Specifically, it says that the disputed domain name is confusingly similar to the CARREFOUR and CARREFOUR MARKET marks in which it has rights, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the disputed domain name was registered and is being used in bad faith.

On the confusingly similar issue, the Complainant notes that its CARREFOUR mark is reproduced in its entirety within the disputed domain name, and that the disputed domain name should also be considered as reproducing in their entirety the word elements of the Complainant’s CARREFOUR MARKET figurative mark.

On the second element of the Amended Complaint (Respondent has no rights or legitimate interests in respect of the disputed domain name), the Complainant says that its searches have not uncovered any CARREFOUR trademark owned by the Respondent, and that it has found no evidence that the Respondent (as an individual, business or other organization) is or has been commonly known by the disputed domain name. The Respondent has no license or other authorization from the Complainant to use its CARREFOUR marks, and the fact that the Respondent has done so by incorporating the CARREFOUR mark in the disputed domain name provides strong evidence that the Respondent lacks any right or legitimate interest. The Respondent’s website consists only of a highly suspicious webpage lacking evidence of any apparent commercial activity, and the prompt inducing the Internet user to install an unidentified “project” application which might put the Internet user at risk of installing malware. There is no evidence of the Respondent making any noncommercial or fair use of the disputed domain name.

On the issue of registration and use of the disputed domain name in bad faith, the Complainant says that the international reputation and renown of its CARREFOUR marks is such that it is inconceivable that the Respondent did not know of the Complainant and its rights in the CARREFOUR marks when the disputed domain name was registered. The Respondent’s choice of the disputed domain name could not have been accidental, and in choosing to register it the likelihood is that the Respondent hoped and expected that Internet users searching for the Complainant’s services and products would instead come across the Respondent’s website. Such a use is not a legitimate use of a domain name under the Policy.

In the event that the Panel might consider that the Respondent has made no active use of the disputed domain name, the Complainant relies on the doctrine of “passive use” of the disputed domain name, under which a panel might in some circumstances find that a respondent has registered and used a domain name in bad faith notwithstanding the absence of any actual use.²

B. Respondent

The Respondent did not reply to the Complainant’s contentions. The responses the Respondent made to the Center’s email giving notice of the Complaint were dated July 13, 2026, and July 20, 2026 reading: “Get out scammer” and “Scammer don’t message me again”.

² Referring to the line of cases that commenced with *Telstra Corporation Limited v Nuclear Marshmallows*, WIPO case No. D2000-0003, summarized in the Center’s document WIPO Overview of WIPO Panel Views on Select UDRP Questions ([WIPO Overview 3.1](#)) at Section 3.3.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, a Complainant is required to establish each of the following –

- (i) the disputed domain name is identical or confusingly similar to a 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 being used in bad faith.

Preliminary Issue – the Language of the Proceeding

The Complainant raised in both the original Complaint and in the Amended Complaint an issue as to what should be the correct language of the proceeding.

Under the Rules (paragraph 11(a)), the language of an administrative proceeding under the Policy is required to be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding. In this case, the Complainant initially received a copy of the Registration Agreement in the Turkish language, and it contended that the Panel should exercise its discretion to adopt English as the language of the proceeding.

In the event, it is unnecessary to make any such determination, as the Registrar advised in its response to the Center's standard Registrar Verification request that the language of the Registration Agreement in this case is English, and the Respondent has not contended otherwise. In accordance with paragraph 11(a) of the Rules, the language of the proceeding is therefore English, and the Panel will proceed on that basis.

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).

In this case, 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). It is the registered proprietor of the CARREFOUR and CARREFOUR MARKET marks referred to in the Factual Background section of this decision.

The entirety of the CARREFOUR mark is reproduced within the disputed domain name, and the word elements of the figurative CARREFOUR MARKET mark have also been reproduced in the disputed domain name. While additional elements have been added in the disputed domain name (the word "market" has been added to the Complainant's CARREFOUR mark, and a hyphen has been added to both marks), the disputed domain name is confusingly similar to both marks for the purposes of the Policy ([WIPO Overview 3.1](#), section 1.7).

The Panel finds that the Complainant's CARREFOUR and CARREFOUR MARKET marks are both recognizable within the disputed domain name. While CARREFOUR MARKET is a figurative, or device, mark, the design elements of a figurative mark are largely disregarded for purposes of assessing identity or confusing similarity under the Policy ([WIPO Overview 3.1](#), section 1.10), and in this case the words "Carrefour" and "Market" comprise the non-design elements of the mark. The addition of the hyphen in the disputed domain name does nothing to mitigate the confusing similarity caused by the use of the CARREFOUR mark and the word elements of the CARREFOUR MARKET mark in the disputed domain name. The disputed domain name is accordingly confusingly similar to both of those marks for the purposes of the Policy ([WIPO Overview 3.1](#), section 1.7).

For completeness, the Panel notes that generic Top-Level Domains “gTLDs” such as “.site” are not normally taken into account in the comparison that is required by paragraph 4(a)(i) of the Policy. The gTLD is a technical requirement of registration and as such is disregarded under the first element confusing similarity test.³

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 respect of the disputed domain name.

First, the disputed domain name is confusingly similar to the Complainant’s CARREFOUR and CARREFOUR MARKET marks, and the Complainant has not licensed or otherwise authorized the Respondent to use those marks, whether in a domain name or otherwise. The Complainant’s online searches have not disclosed any CARREFOUR trademark owned by or otherwise associated with the Respondent.

Secondly, the Respondent has not sought to rely on any of the circumstances listed in paragraph 4(c) of the Policy which, if present in a particular case, may demonstrate that a respondent has rights or legitimate interests in a domain name. Nor do any of those circumstances appear to apply in this case. There is nothing in the record to suggest that the Respondent (as an individual, business or other organization) is commonly known by the disputed domain name (paragraph 4(c)(ii)). Nor is there evidence of use of, or made demonstrable preparations to use the disputed domain name, or a name corresponding to it, in connection with a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy. In this case, the Panel accepts the Complainant’s submission that the Complainant’s CARREFOUR marks are internationally well known, and that it is probable that the Respondent was aware of the Complainant and its CARREFOUR and CARREFOUR MARKET marks when the disputed domain name was registered. In the absence of any Response to the Complaint, the Panel considers it more likely than not that the Respondent registered the disputed domain name with the intention of attracting Internet users to the Respondent’s website by creating the false impression that the Respondent’s website was owned or operated by, or affiliated with, the Complainant. Such a use of the disputed domain name could never be a use in connection with a bona fide offering of goods or services. For similar reasons, the record does not support a finding of legitimate noncommercial or fair use under paragraph 4(c)(iii) of the Policy. The creation of a false impression that any website at the disputed domain name would likely be owned or operated by, or affiliated with, the Complainant, could never be a “fair”, or “legitimate” use of the disputed domain name.

For those reasons, the Panel concludes that 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.

³ [WIPO Overview 3.1](#), section 1.11.1.

The Panel therefore finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

In the absence of any Response to the Complaint, the Panel has come to the view that the Complainant has also met its burden of proof on this element of the Policy.

The Panel's starting point in coming to that view is that UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising the mark plus a descriptive term) to a well-known trademark, can by itself create a presumption of bad faith ([WIPO Overview 3.1](#), section 3.1.4).

In this case, the Complainant markets and sells goods and services under its CARREFOUR mark in more than 40 countries around the world, and its worldwide revenues exceed EUR 94 billion. The Panel accepts that the Complainant is one of the world leaders in the field of hypermarket retailing, and that its CARREFOUR brand and CARREFOUR trademarks enjoy a worldwide reputation in that field.

Having regard to the strength of the international reputation the Complainant enjoys in its CARREFOUR mark, the Panel agrees with the Complainant that it is most unlikely that the Respondent came up with the disputed domain name by accident, without being aware of the Complainant and its goods and services marketed under the CARREFOUR and CARREFOUR MARKET trademarks.

In addition, the disputed domain name in this case is registered in the ".site" domain space, and it includes the word "market", separated from the expression "carrefour" by only a hyphen. The overall impression conveyed by the disputed domain name is that any website at the disputed domain name is likely to be concerned with a place ("site") or places where there is a market or markets having some connection with the word "carrefour". The Complainant's Carrefour hypermarkets would clearly come within that category of site, and the Panel considers it more likely than not that the Respondent intended that Internet users would assume that any website at the disputed domain name would be owned, operated or authorized by, or otherwise affiliated with, the Complainant.⁴ Those additional factors reinforce the Panel's view that this is a case where, in the absence of any Response, bad faith in the registration and use of the disputed domain name should be presumed under the principle referred to at section 3.1.4 of [WIPO Overview 3.1](#).

Even if that were not the case, the Panel considers that the circumstances in this case fall within one of the categories of bad faith registration and use that are specifically recognized in the Policy.

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. Those circumstances include the following:

⁴ The panel in *Carrefour v Contact Privacy Inc. Customer 152812191 / Milen Radumilo*, WIPO Case No. [D2019-0670](#) reached a similar conclusion on the issue of bad faith registration and use, saying: "Given the distinctiveness of the Complainant's [CARREFOUR] mark and reputation, the Panel finds that the Respondent has registered the Domain Name with full knowledge of the Complainant's trademark CARREFOUR and uses it for the purpose of misleading and diverting Internet traffic. Given the Complainant's goodwill and renown, the Panel agrees with the Complainant that the Respondent could simply not have chosen the Domain Name for any reason other than to deliberately cause confusion and to take unfair advantage of Complainant's goodwill and reputation, which clearly constitutes bad faith."

Thus, the Panel finds that the Respondent's use of the Domain Name creates confusion as to the source of the Domain Name in an attempt to trade on the goodwill associated with the Complainant's trademark. A respondent's use of a complainant's mark – for said respondent's commercial benefit – to attempt to attract Internet users otherwise seeking said complainant evinces a finding of bad faith per Policy 4 (b) (iv) and is consistent in this case. See [WIPO Overview 3.0](#) at [section] 3.1.4...."

(iv) By using the disputed domain name, the holder has intentionally attempted to attract, for commercial gain, Internet users to the holder's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation or endorsement of the holder's website or location or of a product or service on the holder's website or location.

Applying paragraph 4(b)(iv) of the Policy in this case, the Panel considers that the Respondent has, by using the disputed domain name, attempted to attract Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's CARREFOUR and CARREFOUR MARKET marks, as to the source, sponsorship, affiliation or endorsement of the Respondent's website or of a product or service on the Respondent's website. The remaining element of paragraph 4(b)(iv) that a complainant needs to establish is that the Respondent's attempt to attract Internet users to the Respondent's website must have been for commercial gain.

In the absence of a formal Response to the Complaint, the Panel concludes that it is more likely than not that the Respondent did act for commercial gain in the sense required by paragraph 4(b)(iv). First, the Respondent was ostensibly offering something of apparent value, namely an Internet App of some sort. While it is true that there are those who are prepared to make open source or other software available on the Internet for nothing, one would not expect such suppliers to be falsely holding themselves out as the owners of famous trademarks in order to attract Internet traffic to their websites. It is difficult to see why they would have any incentive to do that.

Furthermore, the Panel agrees with the Complainant's description of the Respondent's website as "suspicious". Why would one be required to "start" a process (by clicking the "start" button), before one could ascertain what the "project" was, and what would be on the application that one would receive?

If the Respondent were using the Respondent's website for some bona fide purpose that did not involve the offering of goods or services for commercial gain, there would appear to be no reason to invite Internet users visiting the Respondent's website to click on a button to start a "process", and no apparent reason why the purpose of the Respondent's website could not have been clearly stated without the need for the site visitor to embark on any "process".

In the absence of a Response, the Panel infers that the Respondent registered the disputed domain name, and has been using the Respondent's website, to derive commercial gain of some sort, whether by the selling of some goods or services or by illegal or other bad faith "downstream" activities such as phishing (using information derived as a result of the site visitor commencing the "process" by clicking on the "Start" button), or the distribution of malware.

Given the Panel's findings above, it is not necessary to address the Complainant's alternative submission based on the doctrine of bad faith registration and use by the "passive holding" of the disputed domain name, under the line of decisions summarized at section 3.3 of [WIPO Overview 3.1](#).

For those reasons, 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-market.site> be transferred to the Complainant.

/Warwick Smith/

Warwick Smith

Sole Panelist

Date: July 29, 2026