ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Carrefour SA v. 孙鹏 (Peng Sun)
Case No. D2026-3750

1. The Parties

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

The Respondent is 孙鹏 (Peng Sun), China.

2. The Domain Name and Registrar

The disputed domain name <carrefourgifts.com> is registered with Chengdu West Dimension Digital Technology Co., Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on August 21, 2026. On August 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 25, 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 Complainant on August 25, 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 in English on August 25, 2026.

On August 25, 2026, the Center informed the parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On August 25, 2026, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on August 26, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 15, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 16, 2026.

The Center appointed Francine Tan as the sole panelist in this matter on September 18, 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 states that it is a worldwide leader in retail and a pioneer of hypermarkets in 1968. The Complainant is listed on the Paris Stock Exchange and in 2024 had a total revenue amounting to approximately EUR 87.2 billion. The Complainant operates more than 14,000 stores in more than 40 countries worldwide and has more than 500,000 employees. The Complainant has been operating in China since 1995, with more than 200 stores in 2022.

The Complainant is the owner of the CARREFOUR trademark, owning several hundred trademark registrations for the CARREFOUR trademark. The Complainant is the proprietor of, inter alia, the following trademark registrations for CARREFOUR:

- International trademark registration No. 351147, registered on October 2, 1968;

- International trademark registration No. 353849, registered on February 28, 1969; and

- European Union trademark registration No. 5178371, registered on August 30, 2007.

The Complainant is the owner of numerous domain names which comprise or incorporate the CARREFOUR trademark, including: <carrefour.com>, registered on October 25, 1995; <carrefour.fr>, registered on June 23, 2005; <carrefour.it>, registered on April 6, 1998; and <carrefour-banque.fr>, registered on October 7, 2009.

The disputed domain name was registered on July 26, 2026, which does not resolve to any active website.

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:

(i) The disputed domain name is confusingly similar to the CARREFOUR trademark as it is entirely reproduced and immediately recognizable in the disputed domain name. The addition of the generic term "gifts" does not diminish the likelihood of confusion with the Complainant's trademark.

(ii) The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent does not have any trademark rights in CARREFOUR or CARREFOURGIFTS; there is no evidence that the Respondent has been commonly known by the disputed domain name as an individual, business, or other organization; the Respondent is not licensed or authorized by the Complainant to use its trademarks in domain names or in any manner or form; and there is no evidence that the Respondent has used or made preparations to use the disputed domain name in relation to a bona fide offering of goods or services. The disputed domain name is not used in relation to an active website but resolves to an error page.

(iii) The Respondent has registered and used the disputed domain name in bad faith. The Complainant's CARREFOUR mark is so widely known that it is inconceivable that the Respondent was ignorant of the Complainant and its trademark rights. The Complainant's trademark registrations for CARREFOUR significantly predate the Respondent's domain name registration. A quick trademark search or search engine inquiry would have revealed to the Respondent the existence of the Complainant and its CARREFOUR trademarks. The non-use of the disputed domain name, including a blank or error page, does not prevent a finding of bad faith under the doctrine of passive holding.

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the disputed domain name consists only of Latin characters, reproducing the Complainant's CARREFOUR trademark and the English word "gifts". This suggests that the Respondent is able to understand and participate in the administrative proceeding in English. The Complainant has no knowledge of Chinese and would be required to incur additional, substantial costs to translate the Complaint into Chinese, and this would cause a delay in the proceeding.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English. The Respondent could have notified the Center in Chinese of his inability to understand or to participate in the proceedings in English. He did not, and in the absence of any rebuttal evidence, the Panel finds nothing which indicates that the Respondent is prejudiced in any way by its determination.

6.2. Substantive Issues

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.

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 entirety of the mark is reproduced and recognizable 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 the other term "gifts" 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 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. In the present case, the Panel notes that the Respondent adopted a domain name that contains the well-known trademark CARREFOUR together with an additional term "gifts", which carries a risk of implied affiliation with the Complainant. WIPO Overview 3.1, section 2.5.1

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.

Given the longstanding registration, distinctiveness, and reputation of the Complainant's CARREFOUR trademark, the Panel finds it implausible that the Respondent was unaware of the Complainant and its mark when registering the disputed domain name. Further, panels have consistently held that the mere registration of a domain name that is confusingly similar (particularly domain names incorporating the mark plus a descriptive term) to a well-known trademark, particularly in the case of a coined mark, can by itself create a presumption of bad faith. WIPO Overview 3.1, section 3.1.4. Therefore, the Panel finds that the disputed domain name was registered in bad faith.

Panels have found that 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 available record, the Panel notes the distinctiveness and reputation of the Complainant’s CARREFOUR 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 disputed domain name was registered and is being used in bad faith, and 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 <carrefourgifts.com> be transferred to the Complainant.

/Francine Tan/
Francine Tan
Sole Panelist
Date: September 22, 2026