ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Carrefour SA, Atacadão S.A. v. Guillermo Ribeiro, free pay
Case No. D2026-4281

1. The Parties

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

The Respondent is Guillermo Ribeiro, free pay, Brazil.

2. The Domain Names and Registrar

The disputed domain names <lojatacadao.online>, <lojatacadao.site>, and <ofertacadao.site> are registered with Name.com, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 23, 2026. On September 23, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 23, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted For Privacy/Domain Protection Services, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainants on September 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 September 30, 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 October 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 26, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 27, 2026.

The Center appointed Juan Lapenne as the sole panelist in this matter on October 30, 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 Carrefour SA and Atacadão S.A. (hereinafter referred to as "the Complainant"). Atacadão S.A. is part of the Carrefour Group.

The First Complainant is a worldwide leader in retail and pioneer of the concept of hypermarket with a total revenue of approximately 87.2 billion euros in 2024. It operates more than 14,000 stores in more than 40 countries and employs more than 500,000 employees worldwide.

The Second Complainant is a Brazilian chain of wholesale stores established in 1960 and acquired by the First Complainant in 2007. The Second Complainant has over 350 stores and distribution centers in Brazil and employs more than 76,000 employees.

The Complainant is the owner of numerous trademarks for ATACADAO and ATACADÃO, such as:

European Union trademark registration No. 012020194 for ATACADAO, registered on May 24, 2015, in international class 35;

Brazilian trademark registration No. 006785360 for ATACADÃO, registered on October 10, 1978, in international class 29; and

Brazilian trademark registration No. 006937497 for ATACADAO, registered on May 25, 1979, in international class 35.

(Collectively referred to as "ATACADAO" trademark)

The Complainant is the owner of numerous domain names consisting of or including its ATACADAO trademark, such as <atacadao.com.br> and <cartaoatacadao.com.br>.

The disputed domain names <lojatacadao.online> and <lojatacadao.site> were registered on September 15, 2026, and <ofertacadao.site> was registered on September 16, 2026.

The disputed domain names currently do not point to any active website. However, according to the documents, printouts and statements submitted by the Complainant –which have not been contested by the Respondent- prior to the present proceeding, the disputed domain name <ofertacadao.site> had been used to host a website reproducing the Complainant's trademark.

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 names.

Notably, the Complainant contends that the disputed domain names <lojatacadao.online> and <lojatacadao.site> are confusingly similar to the trademark ATACADAO in which the Complainant has rights, as they entirely reproduce the ATACADAO trademark. The addition of generic terms such as "loj" does nothing to diminish the likelihood of confusion.

Regarding the disputed domain name <ofertacadao.site> the Complainant submits that even though the initial letter “a” from ATACADAO is missing, the disputed domain name is confusingly similar to the ATACADAO trademark both from a visual and a phonetic perspective and users are led to read and understand this disputed domain name as “oferta atacadao”.

The Complainant contends that the addition of the generic Top-Level Domains “.online” and “.site” is irrelevant to determine the confusing similarity between the trademark and the disputed domain names.

The Complainant submits that the ATACADAO trademark is well-known and famous and, therefore, Internet users encountering the disputed domain names will perceive them as either domain names owned by the Complainant, or that there is some kind of commercial relation with the Complainant.

With reference to rights or legitimate interests in respect of the disputed domain names, the Complainant contends there is no evidence that the Respondent has been commonly known by the disputed domain names as an individual, business or organization.

The Complainant contends the Respondent is not affiliated with the Complainant, and has never been licensed, authorized or permitted by the Complainant to use the trademark ATACADAO.

In addition to the above, the Complainant submits the Respondent hosted a rogue website at the disputed domain name <ofertacadao.site> in which the Respondent reproduced the Complainant’s trademark.

With reference to the circumstances evidencing bad faith, the Complainant submits that the Respondent knew or should have known that, when acquiring and using the disputed domain names, it would do so in violation of the Complainant’s prior rights.

The Complainant submits that the non-use of the domain names does not prevent a finding of bad faith under the doctrine of passive holding and that there is evidence that the Respondent used the disputed domain name <ofertacadao.site> to impersonate the Complainant.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15 (a) of the Rules: “A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”. Paragraph 4 (a) of the Policy directs that the Complainant must prove each of the following:

(i) that the disputed domain names registered by the Respondent are 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 names;

(iii) that the disputed domain names have been registered and are being used in bad faith.

A. Identical or Confusingly Similar

The Panel finds that the Complainant has established rights over the trademark ATACADAO based on the trademark registrations cited under section 4 above.

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 disputed domain names <lojatacadao.online> and <lojatacadao.site> are confusingly similar to the Complainant's ATACADAO trademark, as they entirely incorporate the ATACADAO trademark with the mere addition of the letters "loj". Indeed, where the relevant trademark is recognizable within the disputed domain name, the addition of descriptive or meaningless terms does not prevent a finding of confusing similarity under the first element. WIPO Overview 3.1, section 1.8.

The Panel finds the disputed domain name <ofertacadao.site> is also confusingly similar to the ATACADAO trademark, as it is recognizable in the disputed domain name. WIPO Overview 3.1, section 1.7.

The applicable Top-Level Domain ("TLD") in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element of the confusing similarity test. WIPO Overview 3.1, section 1.11.1.

Therefore, the Panel finds that the Complainant has proven that the disputed domain names are confusingly similar to a trademark in which the Complainant has established rights according to paragraph 4 (a)(i) of the Policy.

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.

In the instant case, the Panel notes that the Complainant has not authorized the Respondent to incorporate its ATACADAO trademark (or any similar trademark) in the disputed domain names. Nor is the Respondent a licensee or otherwise affiliated to the Complainant.

There is no evidence to suggest that the Respondent is commonly known by the disputed domain names pursuant to paragraph 4(c)(ii) of the Policy.

On record there is no evidence that the Respondent has used, or made preparations to use, the disputed domain names <lojatacadao.online> and <lojatacadao.site> in connection with a bona fide offering of goods or services. Nor is there any evidence that a website has ever been associated with either of these disputed domain names.

According to the Complainant's printouts (which were not contested by the Respondent) the Respondent used the disputed domain name <ofertacadao.site> to resolve to a website displaying the Complainant's ATACADAO trademark, using exactly the same logo and colors of the Complainant's ATACADAO trademark.

In the absence of any authorization from the Complainant, the Panel finds that the Respondent's use of the disputed domain name <ofertacadao.site> cannot amount to a bona fide offering of goods or services or to a legitimate noncommercial or fair use of the disputed domain name. The Respondent was misleading Internet users, inducing them to believe that the Respondent's website belongs to the Complainant or at least is sponsored by or affiliated with the Complainant, hence the Respondent is unduly profiting from the goodwill of the Complainant's well known trademark.

The use of a domain name for impersonating/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

Therefore, the Panel finds that the Complainant has proven that the Respondent has no rights or legitimate interests in the disputed domain names according to paragraph 4(a)(ii) of the Policy.

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

C. Registered and Used in Bad Faith

Paragraph 4 (a)(iii) of the Policy requires that the Complainant proves that the disputed domain names were registered and used by the Respondent in bad faith.

As to bad faith at the time of registration, the Panel notes that the Respondent knew or should have known the Complainant and its trademark rights, due to the following: a) the Complainant's trademark registrations significantly predate the registration of the three disputed domain names; b) prior use of the ATACADAO trademark, primarily in Brazil; c) the well-known character of the ATACADAO trademark, primarily in Brazil; d) the Respondent 's location in Brazil, as indicated by the registration information; e) the Respondent's use of the ATACADAO trademark (with the same logo and colors of the Complainant's trademark) in the disputed domain name <ofertacadao.site>, which shows that the Respondent registered the disputed domain names with the Complainant's trademark in mind.

The Panel also finds that the Respondent's prior use of the disputed domain name <ofertacadao.site> in connection to a website using the Complainant's ATACADAO trademark (with the same logo and colors) amounts to bad faith under paragraph 4(b)(iv) of the Policy, since the Respondent intentionally attempted to attract Internet users to its website for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of its website.

As to the current use of the disputed domain names, the Panel notes that they do not resolve to active websites. Prior UDRP panels have found that passive holding does not prevent a finding of bad faith under certain circumstances, as decided, i.e., in *Telstra Corporation Ltd. v. Nuclear Marshmallows*, WIPO case No. D2000-0003.

In the instant case, in view of i) the reputation and well-known character of the Complainant's trademark ATACADAO, ii) the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, iii) the Respondent's registration of three domain names confusingly similar to the Complainant's prior trademark, iv) the absence of any documented rights or legitimate interests of the Respondent in the disputed domain names and v) the implausibility of any good faith use to which the disputed domain names may be put, the Panel finds that the current passive holding of the disputed domain names by the Respondent does not prevent a finding of bad registration and uses. WIPO Overview 3.1, section 3.3.

Therefore, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

The Panel finds that the third element of the Policy has been established.

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 names <lojatacadao.online>, <lojatacadao.site> and <ofertacadao.site> be transferred to the Complainant.

/Juan Lapenne/
Juan Lapenne
Sole Panelist
Date: November 9, 2026