

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. QINGRU WU

Case No. DCO2023-0082

1. The Parties

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

The Respondent is QINGRU WU, China.

2. The Domain Name and Registrar

The Disputed Domain Name <carrefoursa.co> is registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 27, 2023. On September 28, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 28, 2023, 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 (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 29, 2023 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 October 2, 2023.

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, 2023. In accordance with the Rules, paragraph 5, the due date for Response was October 26, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 27, 2023.

The Center appointed Mireille Buydens as the sole panelist in this matter on November 15, 2023. 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 Paris Stock Exchange listed company founded in 1968 that operates supermarkets and retail stores. It operates more than 12,000 stores in 30 countries worldwide, with more than 384,000 employees worldwide and 1.3 million daily unique visitors in its stores.

The Complainant provides evidence that she owns an international portfolio of trademark registrations for the trademark CARREFOUR (“the Trademark”) in several countries, such as:

- International trademark registration No. 351147, registered on October 2, 1968, designating goods and services in classes 1 to 34;
- International trademark registration No. 353849, registered on February 28, 1969, designating services in classes 35 to 42;
- European Union registration No. 5178371, registered on August 30, 2007, designating goods and services in classes 9, 35 and 38;
- United States of America registration No. 6763415, registered on June 21, 2022, designating services in class 35.
- Chinese trademark registration no.795806, registered on November 28, 1995, designating goods in class 35

In addition, the Complainant is also the owner of several domain names identical to, or comprising, the Trademark, including <carrefour.com> (registered in 1995).

The Disputed Domain Name was registered on July 11, 2023. The Complainant asserts that it is offered for sale through the website “www.dan.com”, a renowned marketplace for domain names, for USD 1,950. At the date of this decision, the Panel found that it was still on sale at the website “www.dan.com” for 1,450 USD.

5. Parties’ Contentions

A. Complainant

First, the Complainant asserts that it owns registrations for the Trademark. The Complainant further explains that the Disputed Domain Name is confusingly similar to the Complainant’s Trademark as it includes the Complainant’s Trademark together with the two letters “sa”. The addition of these two letters “sa” makes the Disputed Domain Name identical to the Complainant’s corporate name CARREFOUR SA (“SA” is the French abbreviation for “Société Anonyme”). The Complainant explains further that the country code top-level domain (“ccTLD”) “.co” is not relevant in determining whether the Disputed Domain Name is identical or confusingly similar to the Complainant’s Trademark.

Second, the Complainant asserts that the Respondent lacks a right or a legitimate interest in the Disputed Domain Name. The Respondent does not have any trademark rights to the term CARREFOUR or CARREFOURSA. The Complainant has found no evidence whatsoever that the Respondent is known by the Disputed Domain Name. Neither has the Respondent received any license from the Complainant to use a domain name featuring the Trademark. The Complainant submits that the Respondent has not used, nor prepared to use, the Disputed Domain Name in connection with a *bona fide* offering of goods or services.

The Disputed Domain Name is offered for sale through the website “www.dan.com”, a marketplace for domain names, which shows that the Respondent has registered the Disputed Domain Name for the purpose of selling, renting, or otherwise transferring it to the Complainant or to a competitor of the Complainant, for valuable consideration in excess of the documented out-of-pocket costs directly related to the Disputed Domain Name.

Third, the Complainant asserts that the Disputed Domain Name was registered and is being used in bad faith. The Complainant submits that the Complainant and its Trademark (which predates the registration of the Disputed Domain Name) are so widely well-known, that it is inconceivable that the Respondent ignored the Complainant and its earlier rights. It is highly likely that the Respondent chose the Disputed Domain Name because of its (1) identity with the name of the Complainant, (2) identity with a domain name regularly used by the Complainant for its activities in Türkiye and (3) similarity with the Complainant’s Trademark. A simple search on Google for “carrefoursa” shows results related to the Complainant only. The Complainant cannot think of any future use of the Disputed Domain Name that may be done by the Respondent in good faith.

B. Respondent

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

6. Discussion and Findings

Dealing with the Respondent’s failure to file a response to the Complaint, paragraph 14(b) of the Rules provides that if a party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under these Rules, the panel shall be entitled to draw such inferences from this omission, as it considers appropriate.

Paragraph 4(a) of the Policy provides that Complainant prove each of the following three elements in order to succeed in its Complaint:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has 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.

A. Identical or Confusingly Similar

The Panel finds that the Complainant has established rights over the Trademark CARREFOUR based on the evidence submitted in the Complaint.

The Disputed Domain Name consists of the Complainant’s Trademark with addition of the letters “sa”, followed by the ccTLD “.co”.

The addition of the ccTLD such as “.co” is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test (see section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#))).

Therefore, the relevant comparison to be made is with the second-level portion of the Disputed Domain Name, *i.e.*, “carrefoursa”. As highlighted in section 1.7 of the [WIPO Overview 3.0](#), the threshold test for confusing similarity typically involves a side-by-side comparison of the disputed domain name and the textual components of the relevant trademark to assess whether the trademark is recognizable within the disputed domain name. In the present case, the Disputed Domain Name consists of the Complainant’s Trademark

with addition of the letters “sa”. The fact that the Disputed Domain Name also contains other letters (“sa”, which is the abbreviation of “société anonyme” in French) is however irrelevant (see [WIPO Overview 3.0](#), section 1.8: “where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographic, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element”).

Accordingly, the Panel finds that the Disputed Domain Name is confusingly similar to the Trademark in which the Complainant has rights. Therefore, the Complainant has established paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make at least a *prima facie* showing that a respondent does not have any rights or legitimate interests in the disputed domain name. Once such showing is made, the burden of production shifts to the respondent. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element (see [WIPO Overview 3.0](#), section 2.1.).

In the Panel’s opinion, the Complainants’ submissions set out above under 5.A give rise to a *prima facie* case that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. There is no evidence that shows the Respondent is commonly known by the Disputed Domain Name or the Trademark. The Respondent does not own trademark registrations covering the Trademark. The Respondent is not affiliated with the Complainant or authorized or licensed to use the Complainant’s Trademark. In addition, the nature of the Disputed Domain Name (including the Complainant’s Trademark in its entirety with the addition of the term “sa” which is the French abbreviation for “société anonyme”, the legal form of Complainant) suggests an implied affiliation with the Complainant (see [WIPO Overview 3.0](#), section 2.5.1). The Panel also notes that the Disputed Domain Name is offered for sale on the website “www.dan.com”, which is a domain name marketplace, for 1,450 USD, which suggests that Respondent is not using nor involved in preparations to use the Disputed Domain Name in connection with a *bona fide* offering of goods or services.

Further, by not submitting a response, the Respondent has failed to invoke any circumstance, which could have demonstrated any rights or legitimate interests in the Disputed Domain Name under paragraph 4(c) of the Policy.

Based on the above, the Panel finds that the Complainant has satisfied the requirement under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, the Complainant must establish that the Disputed Domain Name has been registered and is being used in bad faith.

The Disputed Domain Name incorporates the Complainant’s Trademark, which predates the registration of the Disputed Domain Name for many years and is widely used by the Complainant for many years as a trademark and in domain names. The Disputed Domain Name also contains the letters “sa”, which is the abbreviation for “société anonyme”, the legal form of the Complainant. Given the distinctiveness and well-established reputation of the Complainant’s Trademark (as also recognized by previous UDRP panels: see *Carrefour v. Richard Mandanice*, WIPO Case No. [D2002-0623](#) (“The Complainant is the owner of at least two well-known CARREFOUR trademarks”); *Carrefour S.A. v. Damian Macafee*, WIPO Case No. [D2002-1060](#) (“the trademark CARREFOUR is internationally well-known”); *Carrefour v. Iwama*, WIPO Case No. [D2007-1522](#) (“the Complainant’s well known Trademark”); *Carrefour, S.A., Viajes Carrefour S.L. v. Pablo Iglesias Junco*, WIPO Case No. [D2008-1040](#) (“the Panel finds that the trademark CARREFOUR is well-known”), the Panel finds that in all likelihood the Respondent could not ignore the Complainant’s Trademark (which is also registered in China, where Respondent resides) at the time he/she registered the Disputed Domain Name. Such fact suggests that the Disputed Domain Name was registered in bad faith

(see [WIPO Overview 3.0](#), section 3.1.4 that states that “the mere registration of a domain name that is identical or confusingly similar (particularly domain name comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith”.)

Constitutes also evidence of a respondent’s bad faith circumstances indicating that the respondent has registered the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark or to a competitor, for valuable consideration in excess of the respondent’s documented out-of-pocket costs directly related to the domain name (see [WIPO Overview 3.0](#), section 3.1). In the present case, the Disputed Domain Name is offered for sale on a domain name marketplace for 1,450 USD, which is an amount exceeding the out-of-pocket costs directly related to the Disputed Domain Name.

Besides, the Panel notes that the Respondent has already been involved in a previous UDRP case where the disputed domain name was registered with the intention of reselling the registration, as in the present case, and where the Panel ordered the transfer of the disputed domain name to the complainant (Amundi Asset Management v. Qingru Wu, WIPO Case No. [DCO2023-0063](#)).

Based on the above, the Panel finds that the Disputed Domain Name was registered and is being used in bad faith and the Complainant has established also paragraph 4(a)(iii) of the Policy.

In conclusion, all three cumulative requirements as provided for in paragraph 4(a) of the Policy are determined to be satisfied.

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, <carrefoursa.co>, be transferred to the Complainant.

/Mireille Buydens/

Mireille Buydens

Sole Panelist

Date: November 20, 2023