

ADMINISTRATIVE PANEL DECISION

Carrefour SA, and Atacadão S.A. v. MEN CHHENGAK
Case No. DCO2026-0063

1. The Parties

The Complainants are Carrefour SA, France and Atacadão S.A., Brazil, represented by IP Twins, France.

The Respondent is MEN CHHENGAK, Cambodia.

2. The Domain Name and Registrar

The disputed domain name <atacado.com.co> is registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 21, 2026. On August 21, 2026, the Center transmitted to the Registrar a request for registrar verification in connection with the disputed domain name. On August 24, 2026, the Registrar transmitted to the Center its verification response, disclosing the registrant and its contact information for the disputed domain name, which differed from the named Respondent (Redacted for Privacy Purposes/Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. On August 25, 2026, the Center notified the Complainants, with a copy to the Respondent, of the registrant and its contact information disclosed by the Registrar, and invited the Complainants to amend the Complaint adding the newly identified registrant. The Complainants filed an amended Complaint on August 25, 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 proceeding commenced on August 26, 2026. In accordance with the Rules, paragraph 5, the due date for the Response was September 15, 2026. On August 26, 2026, the Respondent replied to the Center’s notification, but did not then or later submit a Response. On September 16, 2026, the Center informed the Parties of the commencement of the panel appointment process.

The Center appointed Professor Ilhyung Lee as the sole panelist in this matter on September 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

Complainant Carrefour SA describes itself as “a worldwide leader in retail and a pioneer of the concept of hypermarkets [since] 1968”; Complainant Atacadão S.A. identifies itself as “Brazilian chain of wholesale and retail stores established in 1960 and acquired by Carrefour in 2007.” Carrefour SA and Atacadão S.A. (collectively, “Complainants”) own a number of ATACADÃO and ATACADAO marks in Brazil (including registration number 006785360, registered on October 10, 1978; registration number 006937497, registered on May 25, 1979) and in the European Union (registration number 012020194, registered on May 24, 2015).

The Complainants have also registered the domain name <atacado.com.br> (registered on October 9, 1997), among others.

The disputed domain name was registered on July 13, 2026. At the time of the Complaint, the disputed domain name redirected Internet users to an online website promoting gambling and betting activities that have no connection to the Complainants.

5. Parties’ Contentions

A. Complainant

The Complainants contend principally that: (i) the disputed domain name is identical or confusingly similar to a mark in which the Complainants have 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. In addition, the Complaint (and Amended Complaint) states, inter alia:

“[Carrefour SA] operates more than 14.000 stores in more than 40 countries worldwide. With more than 500.000 employees worldwide and millions of daily unique visitors in its stores, the Complainant is without a doubt a major and well-known worldwide leader in retail...”

“Atacadão is the largest wholesale network in [Brazil]....”

“ATACADAO trademarks enjoy a wide-spread continuous reputation....”

“The Complainant submits that it has not authorized the use of its earlier trademarks or terms similar thereto in the disputed domain name in any manner or form.”

“The Respondent is apparently using an array of different domains to attract traffic to its website, and the registration and use of the disputed domain name can only be understood as an attempt to capitalize on the reputation of the ATACADAO trademarks and to mislead Internet users by diverting them to the Respondent’s website.”

B. Respondent

The Respondent did not formally reply to the Complainants’ contentions. On August 26, 2026, the Respondent stated to the Center, in relevant part: “Please be advised that I do not wish to file any complaint in relation to this domain name. I kindly request that you withdraw the complaint in this case.” On August 27, 2026, the Center clarified to the Respondent, with a copy to the Complainants, that the proceeding had been commenced against the Respondent, and that if the Parties wish to explore settlement, the

Complainants should submit by September 3, 2026, a request for suspension of the proceeding, and if it is not received, the proceeding will continue. The Center did not receive any requests for suspension and the proceedings continued.

6. Discussion and Findings

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 purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the Complainants' ATACADAO mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical or confusingly similar to the mark for purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

The country-code and Second-Level Domain ".com.co", a technical registration requirement, is typically disregarded in the consideration of this element. [WIPO Overview 3.1](#), section 1.11.1.

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

B. Rights or Legitimate Interests

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.

Here, the Complainants state that they have not authorized the Respondent to use the ATACADAO mark and have met their initial burden of making a prima facie showing that the Respondent has no rights or legitimate interests in respect of the disputed domain name. Thus, the burden shifts to the Respondent to demonstrate any such rights or legitimate interests. Paragraph 4(c) of the Policy provides a non-exhaustive list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the Respondent has sent a communication in the proceeding, it did not formally reply to the Complainant's contentions. It 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 such as those enumerated in the Policy or otherwise. The Panel is unable to ascertain any evidence that would demonstrate the Respondent's rights or legitimate interests in the disputed domain name.

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

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, the Complainants must show that the disputed domain name “has been registered and is being used in bad faith.” Paragraph 4(b) provides a non-exhaustive list of circumstances that can satisfy this element. Other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

In the present case, Internet users who access the disputed domain name are taken to a gambling website under a different domain name with no connection or association with the Complainants. The website at the disputed domain name at the time of the Panel’s Decision differs from the website at the disputed domain name at the time of the Complaint as well as at the time of the Amended Complaint. Based on the Respondent’s use of an identical trademark in the disputed domain name and its redirection to a gambling website unconnected to the Complainants, the Panel concludes that the Respondent has “intentionally attempted to attract, for commercial gain, Internet users to [the Respondent’s] web site . . . , by creating a likelihood of confusion with the [C]omplainant[s]’ mark as to the source, sponsorship, affiliation, or endorsement” of the Respondent’s website, under paragraph 4(b)(iv) of the Policy.

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 <atacado.com.co> be transferred to the Complainants.

/Ilhyung Lee/

Ilhyung Lee

Sole Panelist

Date: October 6, 2026