

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Recruitment Qatar Airways Case No. D2023-0487

1. The Parties

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

The Respondent is Recruitment Qatar Airways, India.

2. The Domain Name and Registrar

The disputed domain name <kuwait-carrefour.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 2, 2023. On February 2, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 3, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 6, 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 February 7, 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 February 15, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 7, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 8, 2023.

The Center appointed Eva Fiammenghi as the sole panelist in this matter on March 22, 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 French company claiming to be a worldwide leader in retail and a pioneer of the concept of hypermarkets back in 1968.

The Complainant operates more than 12 000 stores in more than 30 countries worldwide.

With more than 384 000 employees worldwide and 1.3 million daily unique visitors in its stores, the Complainant claims to be a major and well-known worldwide leader in retail.

The Complainant additionally offers travel, banking, insurance, and ticketing services.

The Complainant owns multiple trademark registrations worldwide in the CARREFOUR term, in particular, the Complainant is the owner of the following trademarks registered well before the registration of the disputed domain name:

- International trademark CARREFOUR Registration No. 351147, registered on October 2, 1968, duly renewed, and designating goods in international classes 1 to 34;
- International trademark CARREFOUR Registration No. 353849, registered on February 28, 1969, duly renewed, and designating services in international classes 35 to 42.

The Complainant also claims to be the owner of the domain name <carrefour.com> registered since 1995.

The disputed domain name was registered on January 22, 2023. The disputed domain name resolves to a parking page with pay-per-click commercial links.

5. Parties' Contentions

A. Complainant

The Complainant argues that the disputed domain name is confusingly similar to the Complainant's trademarks and highlights how the CARREFOUR mark is well known around the world in the field of hypermarkets.

The Complainant argues that the disputed domain name is confusingly similar to its well-known CARREFOUR trademarks with the addition of the geographic term "kuwait" in the disputed domain name.

The Complainant is also active in Kuwait, particularly through its website "www.carrefourkuwait.com", therefore the Complainant argues that with the association of the trademark CARREFOUR and the country name "Kuwait", the Internet user of average attention would very likely believe that the disputed domain name originates from the Complainant or is endorsed or sponsored by it for its business in Kuwait.

The Respondent is not affiliated with the Complainant and there is no evidence to suggest that the Respondent has used the disputed domain name in relation to a *bona fide* offering of goods or services.

The Complainant has never licensed or otherwise permitted the Respondent to use its trademarks in the disputed domain name.

The Complainant requests that the disputed domain name be transferred to it.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed the Complainant must prove that:

- (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 was registered and is being used in bad faith.

These elements are discussed in turn below. In considering these elements, paragraph 15(a) of the Rules provides that the Panel shall decide the Complaint on the basis of statements and documents submitted and in accordance with the Policy, the Rules and any other rules or principles of law that the Panel deems applicable.

A. Identical or Confusingly Similar

In the present case, the disputed domain name incorporates the Complainant's registered well-known trademark CARREFOUR in its entirety to which the term "kuwait" followed by a hyphen has been added.

It is well established that the Top-Level Domain ("TLD") ".com", being a necessary component of a domain name, may be disregarded for the purpose of comparison under this ground.

The addition of the geographical term "kuwait" and the hyphen is not sufficient to prevent confusing similarity.

The Panel considers that the disputed domain name which incorporates a geographic term with a registered trademark may be considered confusingly similar to the trademark for the purpose of the Policy (See *Four Seasons Hotels Limited v. Daniel Kirchof / Unister GmbH*, WIPO Case No. [D2011-0948](#); *Six Continents Hotels, Inc. v. Ramada Inn*, WIPO Case No. [D2003-0658](#)).

The Panel finds the first element of the Policy has, therefore, been met.

B. Rights or Legitimate Interests

According to the Policy, paragraph 4(a)(ii), the Complainant has to demonstrate that the Respondent has no rights or legitimate interests in the disputed domain name.

The Respondent is not in any way affiliated with the Complainant, nor has the Complainant authorized or licensed the Respondent to use its trademarks, or to seek registration of any domain name incorporating its trademarks.

The Respondent has not made any submissions or any demonstrations that it has rights or legitimate interests in the disputed domain name.

The Panel finds no evidence that the Respondent has used or undertake any demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services. The composition of the disputed domain name leads to believe that it is owned and/or controlled by the Complainant and directs to one of its web pages dedicated to the Kuwait market where the Complainant is also present.

Such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the Complainant. See section 2.5.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Moreover, according to section 2.9 of [WIPO Overview 3.0](#) "use of a domain name to host parked page comprising PPC links does not represent a *bona fide* offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users".

Likewise, no evidence has been adduced that the Respondent has been commonly known by the disputed domain name; nor, for the reasons mentioned above, is the Respondent making a legitimate noncommercial or fair use of the disputed domain name.

The Panel concludes, noting that the Respondent lacks any rights or legitimate interests in the disputed domain name, that the second element of the Policy has, therefore, been met.

C. Registered and Used in Bad Faith

The Panel, based on the evidence presented, accepts, and agrees with the Complainant's contention that the disputed domain name was registered and is being used in bad faith.

The Panel finds that the disputed domain name was registered and is being used in bad faith because it is obvious that Respondent had knowledge of the Complainant and its trademark at the time it registered the disputed domain name and because the use of the disputed domain name that is not backed up by any trademark and that is confusingly similar to a well-known trademark owned by someone else constitutes use in bad faith.

The Respondent, by using the disputed domain name, is intentionally misleading the consumers, and confusing them trying to attract them to its website making them believe that the website at the disputed domain name is associated with the Complainant.

Then, the disputed domain name is only used to divert Internet users to other sites offering services that compete with those of the Complainant.

The bad faith registration and use of the disputed domain name is also affirmed by the fact that the Respondent has not denied, or even responded to, the assertions of bad faith made by the Complainant in this proceeding.

Based on the above, the Panel finds that the Respondent registered the disputed domain name to attract Internet users, presumably for commercial gain, by creating a likelihood of confusion with the Complainant's trademarks and domain names (Policy, paragraph 4(b)(iv)).

Accordingly, pursuant to paragraph 4(b) of the Policy, this Panel finds that disputed domain name was registered and has been used in bad faith by the Respondent.

On this basis the Panel finds that the Complainant has satisfied the third and last point of the Policy, paragraph 4(a)(iii).

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, <kuwait-carrefour.com>, be transferred to the Complainant.

/Eva Fiammenghi/

Eva Fiammenghi

Sole Panelist

Date: April 5, 2023