

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. DANIEL LIBOUROUX

Case No. D2022-1676

1. The Parties

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

The Respondent is DANIEL LIBOUROUX, France.

2. The Domain Name and Registrar

The disputed domain name <carrefour-assistance.online> (the “Disputed Domain Name”) is registered with EuroDNS S.A. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 9, 2022. On May 9, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 10, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on May 13, 2022, 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 May 17, 2022.

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 June 15, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 5, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 15, 2022.

The Center appointed Isabelle Leroux as the sole panelist in this matter on July 19, 2022. 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 Carrefour SA, a worldwide retail company which operates more than 12,000 stores in more than 30 countries worldwide, with over 384,000 employees worldwide and 1.3 million daily visitors in its stores. The Complainant additionally offers travel, banking, insurance, and ticketing services.

For the needs and purposes of its activities, the Complainant is the owner of numerous trademarks, including the following:

- International Trademark CARREFOUR No. 351147, registered on October 2, 1968 under priority of French trademark no. 238 949 registered on January 7, 1965, duly renewed and designating Benelux, Spain, Italy and Monaco for goods in classes 01 to 34;
- International Trademark CARREFOUR no. 353849, registered on February 28, 1969 under priority of French trademark no. 747 725 registered on September 27, 1968, duly renewed and designating Estonia, Lithuania, Benelux, Czech Republic, Spain, Croatia, Hungary, Italy, Liechtenstein, Latvia, Morocco, Monaco, Montenegro, North Macedonia, Serbia, Slovenia, Slovakia and San Marino for services in classes 35 to 42; and
- European Union Trademark CARREFOUR No. 005178371, registered on August 30, 2007, duly renewed, and designating goods and services in international classes 9, 35 and 38

Hereafter the "Trademarks".

In addition, the Trademark CARREFOUR has been recognized as well known by numerous prior UDRP cases.

The Complainant also owns several domain names containing the CARREFOUR Trademark, including the following:

- <carrefour.com> registered on October 25, 1995;
- <carrefour.fr> registered on June 23, 2005.

The Disputed Domain Name was registered on March 29, 2022 and reverts to a blank page.

5. Parties' Contentions

A. Complainant

The Complainant claims that:

- a) The Disputed Domain Name is identical or at least confusingly similar to the Complainant's Trademarks since it incorporates the well-known CARREFOUR Trademarks in their entirety with the addition of the term "assistance".
- b) The Respondent has no rights nor legitimate interests in the Disputed Domain Name since:
 - The Respondent does not own any CARREFOUR trademark;
 - The Respondent is not commonly known by the Disputed Domain Name;
 - The Complainant has never granted any license or authorization to use its Trademarks to the Respondent;
 - There is no evidence that the Respondent has a history of using, or preparing to use, the Disputed Domain Name in connection with a *bona fide* offering of goods and services.

- c) The Respondent registered and used the Disputed Domain Name in bad faith given the following factors:
- The Complainant's Trademarks benefit from a long-lasting worldwide reputation;
 - The Complainant's Trademarks were registered long before the Disputed Domain Name;
 - The Respondent could not be unaware of the existence of the Complainant's rights since he resides in France;
 - The Complainant also claims that the Respondent seems to willingly engage in a pattern of abusive behavior by registering several domain names reproducing renowned trademarks in the banking / insurance business.

Finally, the Complainant requests that the Disputed Domain Name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Identical or Confusingly Similar

First of all, the Panel finds that the Complainant has provided evidence that it has prior rights in the CARREFOUR Trademarks since they have been registered several years before the Disputed Domain Name.

Then, the Panel notices that the Disputed Domain Name is composed of the identical reproduction of the Trademarks in their entirety, to which has been added the term "assistance".

The addition of the descriptive term "assistance" does not prevent a finding of confusing similarity. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8.

Furthermore, the gTLD ".online" is viewed as a standard registration requirement and as such is disregarded for the purpose of determining whether a domain name is identical or confusingly similar to a trademark.

Consequently, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's Trademark. The first element of paragraph 4(a)(i) of the Policy is thus fulfilled.

B. Rights or Legitimate Interests

Numerous UDRP panels have found that, even though the Complainant bears the general burden of proof under paragraph 4(a)(ii) of the UDRP, the burden of production shifts to the Respondent once the Complainant makes a *prima facie* showing that the Respondent lacks rights or legitimate interests. See *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Hence, after the Complainant has made a *prima facie* showing that the Respondent has no rights or legitimate interests in the Disputed Domain Name, it will be deemed to have satisfied paragraph 4(a)(ii) of the UDRP when the Respondent fails to submit a response.

In this case, the Complainant brings forward the following elements:

- No license or authorization has been granted by the Complainant to the Respondent;
- The Respondent is not known under the Disputed Domain Name, nor does it has any trademark rights on the term "Carrefour"; and
- The Respondent has not used the Disputed Domain Name for a *bona fide* offering of goods or services and the Disputed Domain Name resolves to a blank page.

Therefore, the Panel finds that the Complainant has made a *prima facie* case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. Moreover, the Panel notes that the nature of the Disputed Domain Name carries a risk of implied affiliation ([WIPO Overview 3.0](#), section 2.5.1).

The Respondent has not responded to the Complainant's contentions and therefore has not proved otherwise.

Given these circumstances, the Panel finds that the second element of the paragraph 4(a)(ii) of the Policy is satisfied.

C. Registered and Used in Bad Faith

The Complainant's Trademarks have been recognized as well known by numerous previous UDRP panels. See in particular: *Carrefour v. Contact Privacy Inc. Customer 0155401638 / Binya Rteam*, WIPO Case No. [D2019-2895](#); *Carrefour v. Perfect Privacy, LLC / Milen Radumilo*, WIPO Case No. [D2019-2610](#); *Carrefour v. rabie nolife*, WIPO Case No. [D2019-0673](#); *Carrefour v. Jane Casares, NA*, WIPO Case No. [D2018-0976](#); *Carrefour v. WhoisGuard, Inc., WhoisGuard Protected / Robert Jurek, Katrin Kafut, Purchasing clerk, Starship Tapes & Records*, WIPO Case No. [D2017-2533](#); *Carrefour v. Tony Mancini, USDIET Whoisguard, Inc.*, WIPO Case No. [D2015-0962](#); *Carrefour SA v. dreux denis / denis cloud*, WIPO Case No. [D2021-0276](#).

Accordingly, the Panel considers that the Respondent could not plausibly ignore the existence of the Complainant's Trademarks at the time the Disputed Domain Name was registered, all the more since according to the information disclosed by the Registrar, the Respondent resides in France.

The Panel finds that the registration was therefore made in bad faith.

As to the use of the Disputed Domain Name in bad faith, the Panel has evidenced that the Disputed Domain Name resolves to a blank page. This use constitutes a passive holding that would not prevent a finding of bad faith use.

The lack of use of the Disputed Domain Name, and the Respondent's failure to reply to the Complainant's contentions provide no basis for the Panel to believe that the Disputed Domain Name might conceivably be put to good faith use.

Taking into account all of the above, it is not possible to conceive of any plausible actual or contemplated active use of the Disputed Domain Name by the Respondent that would not be illegitimate.

Consequently, the Panel finds that the Disputed Domain Name was registered and used in bad faith, so that the third and final element of the Policy is met.

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, <carrefour-assistance.online>, be transferred to the Complainant.

/Isabelle Leroux/

Isabelle Leroux

Sole Panelist

Date: August 2, 2022