

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Contact Privacy Inc. Customer 0164074004 / Milen Radumilo
Case No. D2022-1739

1. The Parties

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

The Respondent is Contact Privacy Inc. Customer 0164074004, Canada / Milen Radumilo, Romania.

2. The Domain Name and Registrar

The disputed domain name <connectcarrefour.com> is registered with Tucows Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 13, 2022. On May 13, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 13, 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 20, 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 20, 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 1, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 21, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 22, 2022.

The Center appointed Leon Trakman as the sole panelist in this matter on July 7, 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 globally associated with hypermarkets, tracing back to 1968. The Complainant also provides travel, banking, insurance, and ticketing services. Operating through more than 12,000 stores in over 30 countries worldwide, it is also listed on the Paris Stock Exchange (CAC 40).

The Complainant also owns several hundred trademark registrations worldwide in which CARREFOUR is used. The vast majority were registered well before the registration of the disputed domain name. These include:

(1) International trademark CARREFOUR No. 351147, registered on October 2, 1968 and renewed, designating goods in international classes 1 to 34.

(2) International trademark CARREFOUR No. 353849, registered on February 28, 1969 and renewed, designating services in international classes 35 to 42.

The Complainant is the owner of numerous domain names, both within generic and country code Top-Level Domains ("TLDs"). It first registered <carrefour.com> in 1995.

In addition, the Complainant provides evidence that it defended its trademark in a series of past administrative disputes.

The disputed domain name was registered on March 31, 2022, and resolves to website displaying pay-per-click links.

5. Parties' Contentions

A. Complainant

The Complainant contends that:

The disputed domain name is confusingly similar to its trademark CARREFOUR; that the disputed domain name incorporates the Complainant's trademark in full. The Complainant contends that the Respondent's actions are likely to create confusion among Internet users; and that the Respondent's use of the term "connect" in the disputed domain name does not negate that confusing similarity.

The Respondent has no rights or legitimate interests in the disputed domain name. In support of this contention, the Complainant alleges that there is no evidence that the Respondent has been commonly known by the disputed domain name as an individual, business, or other organization; and that the Complainant had not authorized the use of its earlier trademarks in any manner or form to the Respondent.

The Respondent registered and is using the disputed domain name in bad faith. In support of this contention, the Complainant asserts that the Respondent knew or should have known of the Complainant's trademark when acquiring the disputed domain name; and that using it would likely mislead the Complainant's customers that the Respondent was the Complainant or was acting for the Complainant.

The Complainant provides documentation in support of its contentions, that:

- i. The use of the word CARREFOUR in its trademarks is distinctive and well known.
- ii. The Complainant has an international reputation, well preceding the registration of the disputed domain name.

iii. The Complainant's reputation is widely evidenced over the Internet, including its Facebook page that is currently "liked" by more than 11 million Internet users.

iv. The Complainant provides a list of UDRP decisions stating that the Complainant and its trademarks are widely known.

The Complainant also provides a list of over 140 UDPR decisions in which the Respondent was the subject of a complaint. A table of those cases, from 2021 to the current date, are included below.

Case Number	Named Respondent
D2022-0780	Milen Radumilo
D2022-0406	Super Privacy Service LTD c/o Dynadot / Milen Radumilo
D2022-0351	Perfect Privacy LLC / Milen Radumilo
D2021-4399	Perfect Privacy, LLC / Milen Radumilo
D2021-4356	Perfect Privacy, LLC / Milen Radumilo
D2021-4220	Contact Privacy Inc., Customer 0162475062 / Milen Radumilo
D2021-4180	Contact Privacy Inc., Customer 0162923862 / Milen Radumilo
D2021-4002	Contact Privacy Inc. Customer 0162471366 / Milen Radumilo
D2021-3798	Super Privacy Service LTD / Milen Radumilo
D2021-3704	Perfect Privacy, LLC / Milen Radumilo
D2021-3691	Contact Privacy Inc. Customer 0162916749 / Milen Radumilo
D2021-3500	Contact Privacy Inc. Customer 0162707386 / Milen Radumilo
D2021-3271	Perfect Privacy, LLC / Milen Radumilo
D2021-3194	Milen Radumilo
D2021-2863	Perfect Privacy, LLC / Milen Radumilo
D2021-2725	Contact Privacy Inc. Customer 0154088786 / Milen Radumilo
D2021-2397	PERFECT PRIVACY, LLC / Milen Radumilo
D2021-2320	Contact Privacy Inc. Customer 0162013950 / Milen Radumilo
D2021-2124	Super Privacy Service LTD c/o Dynadot / Milen Radumilo
D2021-1881	Contact Privacy Inc. Customer 0155846167 / Milen Radumilo, Milen Radumilo
D2021-1871	PERFECT PRIVACY, LLC / Milen Radumilo
D2021-1615	Super Privacy Service LTD c/o Dynadot / Milen Radumilo
D2021-1313	Perfect Privacy, LLC / Milen Radumilo
D2021-1256	Milen Radumilo
D2021-1242	Super Privacy Service LTD c/o Dynadot / Milen Radumilo
D2021-0691	Perfect Privacy, LLC / Milen Radumilo
D2021-0625	Contact Privacy Inc. Customer 0159172429 / Milen Radumilo
D2021-0470	Milen Radumilo
D2021-0442	Super Privacy Service Ltd, c/o Dynadot LLC / Milen Radumilo
D2021-0130	Milen Wheel, Milen Radumilo

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark CARREFOUR, as provided for in Policy, paragraph 4(a)(i) and Rules, paragraphs 3(b)(viii), (b)(ix)(1).

The fact that the disputed domain name replicates the Complainant's trademark in its entirety is sufficient to establish that it is identical or confusingly similar to the Complainant's trademark. See *Carrefour SA. v. Reliant-web Domain Admin / Jean Marie Grolleau / Joanne Elvert*, WIPO Case No. [D2021-2389](#):

The mere addition of the term "connect" does not prevent a finding of confusing similarity. Nor does the use of lower-case letters and the addition of the TLD ".com" negate it. See *Whatsapp LLC v. Kenneth Chow*, WIPO Case No. [D2021-2917](#).

The Panel determines that the first condition under the Policy is satisfied.

B. Rights or Legitimate Interests

The Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name as required by Policy, paragraph 4(a)(ii) and Rules, paragraph 3(b)(ix)(2).

The Respondent is not commonly known by the disputed domain name. Nor is the Respondent otherwise associated with it, or any similar name, whether through a family name, business activity, or other legitimate activity.

The Respondent was also not authorized to register and use the disputed domain name by the Complainant, nor by any agent, affiliate, or other representative.

There is no evidence on record that the Respondent has used the disputed domain name for the purpose of engaging in a *bona fide* offering of goods or services, nor for any other legitimate noncommercial or fair use of it.

The fact that the disputed domain name resolves to a pay-per-click page of commercial links does not constitute a *bona fide* offering.

The Panel determines that the second condition under the Policy is satisfied.

C. Registered and Used in Bad Faith

The Panel finds that the disputed domain name was registered and is being used in bad faith in accordance with the Policy, paragraphs 4(a)(iii), 4(b); Rules, paragraph 3(b)(ix)(3).

It is most likely on the facts that the Respondent chose to register the disputed domain name because of its confusing similarity to the Complainant's trademark and because the Respondent knew of the Complainant's widely known global reputation. Prior UDRP panels have repeatedly held that registration of a domain name that is identical or confusingly similar to a well-known trademark by an unauthorized individual or entity gives rise to a presumption of bad faith. See *Carrefour SA v. blackwhite, dolly Tiwari*, WIPO Case No. [D2021-0274](#).

The fact that the Complainant registered its trademark decades before the Respondent registered the disputed domain name is a further basis in support of bad faith registration. See *Lancôme Parfums Et Beaute & Cie, L'Oreal v. 10 Selling*, WIPO Case No. [D2008-0226](#).

It is also likely that the Respondent registered and used the disputed domain name on the presumption that Internet users would believe they were accessing the Complainant's website, while being directed instead to alternative websites through pay-per-click links. See section 3.5 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). See also *Golden Bison Consolidated, LLC v. Registration Private, Domains By Proxy, LLC / Scott Sullivan*, WIPO Case No. [D2020-3532](#).

The Respondent demonstrates further bad faith in directing Internet users to the website of other online grocery ("spesa" in Italian) businesses. These include the websites of, among others, "Volantini Spesa" and "Spesa Online Toscano". See *Express Scripts, Inc. v. Windgather Investments Ltd/ Mr. Cartwright*, WIPO Case No. [D2007-0267](#). Evidence that the disputed domain name directs Internet users to a pay-per-click page of third-party service providers further affirms the Respondent's bad faith, in concurrently capitalizing on the Complainant's reputation and directing Internet users away from the Complainant's website. In both cases, the Respondent ought reasonably to have known that the Complainant could sustain a loss of business and reputational damage.

The Respondent's bad faith intention is further demonstrated in hiding his identity by using a privacy service at the time of registration of the disputed domain name. See section 3.6 of the [WIPO Overview 3.0](#).

The Respondent's bad faith is further evident in being the subject of more than 140 domain name disputes in the past. Far from engaging in a *bona fide* offering, the Respondent purposefully provided links to websites and web services that compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. See *Golden Bison Consolidated, LLC v. Registration Private, Domains By Proxy, LLC / Scott Sullivan*, WIPO Case No. [D2020-3532](#). On a recent decision the Respondent had acted as a "serial cybersquatter" (see *American Airlines, Inc. v. Super Privacy Service LTD c/o Dynadot / Milen Radumilo*, WIPO Case No. [D2021-1242](#)).

The Panel concludes that the Respondent registered and is using the disputed domain name in bad faith and contrary to the requirements of paragraph 4(a)(iii) 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 <connectcarrefour.com> be transferred to the Complainant.

/Leon Trakman/

Leon Trakman

Sole Panelist

Date: July 17, 2022