

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Andre Morad
Case No. D2022-3565

1. The Parties

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

The Respondent is Andre Morad, France.

2. The Domain Names and Registrar

The disputed domain names <carrefourfinance.life> and <pass-carrefour.life> (the “Disputed Domain Names”) are registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 27, 2022. On September 27, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 27, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names, which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on September 28, 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 September 29, 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 September 30, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 20, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 27, 2022.

The Center appointed Isabelle Leroux as the sole panelist in this matter on November 3, 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 a worldwide retail company that 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 1 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

- International wordmark CARREFOUR PASS No. 719166, registered on August 18, 1999, under priority of a French trademark No. 99 780 481 filed on March 12, 1999, duly renewed and designating Türkiye, Benelux, Switzerland, China, Czechia, Spain, Hungary, Italy, Poland, and Portugal for services in class 36;

Hereafter the "Trademarks" or "Trademark".

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

The Complainant also owns several domain names containing the CARREFOUR Trademark including the following: <carrefour.com> registered in 1995, and <carrefourfinance.be> registered in 2013.

The Disputed Domain Names <carrefourfinance.life> and <pass-carrefour.life> were registered on July 5, 2022, and respectively revert to (i) an error page and (ii) a warning page stating that the page is considered unsafe.

5. Parties' Contentions

A. Complainant

The Complainant claims that:

a) The Disputed Domain Names are identical or at least confusingly similar to the Complainant's Trademarks since they fully incorporate the well-known CARREFOUR Trademarks in their entirety with the addition of the terms "finance" and "pass".

b) The Respondent has no rights nor legitimate interests in the Disputed Domain Names since:

- The Respondent does not own any CARREFOUR trademark;
- The Complainant has never granted any license or authorization to use its Trademark to the Respondent;
- The Respondent is not commonly known by the Disputed Domain Names;

- There is no evidence that the Respondent has a history of using, or preparing to use, the Disputed Domain Names in connection with a *bona fide* offering of goods and services.

c) The Respondent registered and used the Disputed Domain Names in bad faith given the following factors:

- The Complainant's Trademarks benefit from a long-lasting worldwide reputation;
- The Respondent could not be unaware of the existence of the Complainant's rights since he is based in France;
- The Complainant's Trademarks were registered long before the Disputed Domain Names;
- The current use of the Disputed Domain names (an error page and a warning page) cannot be considered as good faith.

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

B. Respondent

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

6. Discussion and Findings

A. 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 and they have been filed and registered several years before the Disputed Domain Names.

Then, the Panel notices that the Disputed Domain Names are composed of the identical reproduction of the well-known CARREFOUR Trademarks in its entirety, to which has been added the terms (i) "finance", (ii) the term "pass", and (iii) the Top-Level Domain ("TLD") ".life".

The addition of the terms "finance" and "pass" does not prevent a finding of confusing similarity since the well-known CARREFOUR Trademark is fully recognizable

Furthermore, the addition of the TLD ".life" is not considered in determining whether the Disputed Domain Names are identical or confusingly similar to the Trademarks since, once again, the well-known CARREFOUR Trademark is fully recognizable and the TLD is technical requirement for domain name registration.

Consequently, the Panel finds that the Disputed Domain Names are 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 Names, 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:

- The Respondent is not known under the Disputed Domain Names, nor does it have any trademark rights on the term “carrefour”;
- No license or authorization has been granted by the Complainant to the Respondent; and
- The Respondent has not used the Disputed Domain Names for a *bona fide* offering goods and services and the Disputed Domain Names resolves to an error and a warning pages.

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 Names.

Moreover, the Panel notes that the nature of the Disputed Domain Names, combining the entirety of the Complainant’s distinctive trademark with descriptive terms, carries a risk of implied affiliation (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[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 for many years. 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](#); and *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 Names were registered, all the more since according to the information disclosed by the Registrar, the Respondent is based in France.

The Panel finds that the registrations were therefore made in bad faith.

As to the use of the Disputed Domain Names in bad faith, the Panel has evidenced that the Disputed Domain Names resolve to an error page and a warning page. This use constitutes a passive holding that does not prevent a finding of bad faith use.

The lack of use of the Disputed Domain Names, and the Respondent’s failure to reply to the Complainant’s contentions provide no basis for the Panel to believe that the Disputed Domain Names might conceivably be put to good faith use. Moreover, it would appear that the Respondent furnished incomplete or false contact information for purposes of registration of the Disputed Domain Names, seeing as the courier was unable to deliver the Center’s written communications to the details disclosed by the Registrar for the Respondent, providing a further inference of bad faith.

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 Names by the Respondent that would not be illegitimate.

Consequently, the Panel finds 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 Names, <carrefourfinance.life> and <pass-carrefour.life> be transferred to the Complainant.

/Isabelle Leroux/

Isabelle Leroux

Sole Panelist

Date: November 17, 2022