

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Damon Matt

Case No. D2023-4630

1. The Parties

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

Respondent is Damon Matt, Cambodia.

2. The Domain Name and Registrar

The disputed domain name <carrefour8.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 8, 2023. On November 8, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 8, 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 and contact information in the Complaint. The Center sent an email communication to Complainant on November 9, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on November 9, 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 Respondent of the Complaint, and the proceedings commenced on November 14, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 4, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on December 19, 2023.

The Center appointed Georges Nahitchevansky as the sole panelist in this matter on December 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

Complainant, Carrefour SA, is a global retailer operating more than 12,000 stores in over 30 countries. Complainant owns and uses the name and mark CARREFOUR in connection with its stores and related services and own hundreds of trademark registrations around the world for the CARREFOUR mark. These include, *inter alia*, International Registrations for the CARREFOUR mark that have been extended to a number of jurisdictions, including by way of example the European Union (Registration Nos. 351147, 353849, 563304 and 1684738), the earliest of which issued to registration in 1968. Complainant also owns and uses the domain name <carrefour.com> to provide information regarding Complainant and its various services.

Respondent registered the disputed domain name on October 25, 2023. Since registering the disputed domain name, Respondent does not appear to have used it for an active website or web page or for any other purpose.

5. Parties' Contentions

A. Complainant

Complainant contends that it has strong rights in the CARREFOUR mark by virtue of extensive use of the mark since 1968, its many trademark registrations for the CARREFOUR mark around the world, and the several prior UDRP decisions finding the CARREFOUR mark to be well-known.

Complainant asserts that that the disputed domain name is confusingly similar as it fully consists of the CARREFOUR mark with the addition of the number "8."

Complainant argues that Respondent does not have rights or legitimate interests in the disputed domain names as Respondent (i) own no trademark rights in the CARREFOUR mark, (ii) is not commonly known by the disputed domain name, (iii) has used the disputed domain name as a redirect "towards one of the Complainant's main websites," (iv) has no authorization or license from Complainant to use the CARREFOUR mark, and (v) has not made any *bona fide* use of the disputed domain name.

Lastly, Complainant maintains that Respondent has registered and used the disputed domain name in bad faith given that Complainant's CARREFOUR mark is "so widely well-known, that it is inconceivable that the Respondent ignore the Complainant or its earlier rights on the term CARREFOUR." In that regard, Complainant notes that given Complainant's prior existing strong rights in the CARREFOUR mark it is highly likely that Respondent registered the disputed domain name to take advantage of such rights for the benefit of Respondent.

B. Respondent

Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

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

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) 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.

A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. Section 1.2.1. of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”). Complainant has provided evidence that it owns numerous trademark registrations for the CARREFOUR mark, and that such issued to registration years before Respondent registered the dispute domain name.

With Complainant’s rights the CARREFOUR mark established, the remaining question under the first element of the Policy is whether the disputed domain name (typically disregarding the general Top-Level Domain (“gTLD”) such as “.com”) is identical or confusingly similar with Complainant’s mark. See *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#). Generally panels have found that fully incorporating the identical mark in a disputed domain name is sufficient to meet this standing requirement.

In the instant proceeding, the disputed domain name is confusingly to Complainant’s CARREFOUR mark as CARREFOUR is prominently and clearly identifiable at the head of the disputed domain name followed by the mere addition of the numeral “8.” The Panel therefore finds that Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy in establishing its rights in Complainant’s CARREFOUR mark and in showing that the disputed domain name is confusingly similar to that trademark.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, the complainant must make at least a *prima facie* showing that the respondent possesses no rights or legitimate interests in a disputed domain name. *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once the complainant makes such a *prima facie* showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

While Complainant has shown strong rights in the name and mark CARREFOUR, it is also true that in French “carrefour” is also a common word meaning “intersection.” Thus, the question that is before the Panel is whether the evidence shows that the disputed domain name is being genuinely used, or demonstrably intended for use, in connection with the common French word “carrefour” and not to take advantage of Complainant’s CARREFOUR mark for Respondent’s benefit or profit. [WIPO Overview 3.0](#) at section 2.10.

Here, there is no evidence that Respondent has made any use of the disputed domain name since registering it on October 25, 2023.¹ Additionally, Respondent has chosen not to appear in this proceeding to provide any explanation for registering the disputed domain name that fully incorporates Complainant’s well-known CARREFOUR mark.

To be sure, because the disputed domain name consists primarily of the CARREFOUR mark its carries a high risk of being seen as connected to or affiliated with Complainant. Indeed, a web user seeing the dispute domain name could reasonably believe that it is related to Complainant and/or its CARREFOUR stores or services. The addition of the numeral “8” does not provide much distinction and certainly does not communicate that the intent in using “carrefour” in the disputed domain name is in its common word sense as might be the case in a domain name consisting of known places such “Carrefour de l’Arbre” or “Carrefour de Buci.” As such, the disputed domain name, in the absence of any credible explanation, essentially impersonates Complainant and cannot constitute a fair use or legitimate interest. [WIPO Overview 3.0](#) at Section 2.5.

¹ While Complainant claims that Respondent has used the disputed domain name to redirect to of Complainant’s main websites, no evidence supporting that contention was provided. The only evidence submitted on this issue shows that the disputed domain name redirects to an error page.

Given that Complainant has established with sufficient evidence that it owns rights in the CARREFOUR mark, and given Respondent's above noted actions, the Panel concludes that Respondent does not have a right or legitimate interest in the disputed domain name and that none of the circumstances of Paragraph 4(c) of the Policy are evident in this case.

C. Registered and Used in Bad Faith

Under established Policy criteria, bad faith has generally been found to exist where a respondent registers and uses a domain name to take unfair advantage of or to otherwise abuse a complainant's mark. Within that framework the non-use of a domain name has been found, under the appropriate circumstances, to support a finding of bad faith. In making that assessment, Panel's typically consider a number of factors such as (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details, and (iv) the implausibility of any good faith use to which the domain name may be put. See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); see also WIPO Overview at Section 3.3.

To date, Respondent, as already noted, has not made any use of the disputed domain name since registering it on October 25, 2023. And while slightly over two months have passed since the disputed domain name was registered, it is telling that Respondent has never posted anything at the domain name that would even remotely support the notion that Respondent intended some sort of credible *bona fide* or fair use of the disputed domain name. Indeed, Respondent has failed to appear in this proceeding to explain or justify any of his actions.

But beyond such failures, it is questionable whether Respondent could plausibly provide a good faith basis for registering the disputed domain name that primarily consists of Complainant's exact CARREFOUR mark that enjoys a fairly robust reputation for retail services in many countries around the world. A simple Internet search would have immediately revealed Complainant's rights and extensive use of the CARREFOUR mark. It thus seems quite unlikely that Respondent was not aware of the CARREFOUR mark when he registered the disputed domain name. If anything, what Respondent's actions and the timing of the disputed domain name registration show is that Respondent likely opportunistically and in bad faith registered the dispute domain name for Respondent's benefit.

In that regard, it should also be noted that Respondent's details are suspicious, particularly in light Respondent's failure to appear. The use of the name Damon Matt for an individual allegedly based in Cambodia with a G-mail address using the name "Matt Damon" (the name of a well-known actor), while perhaps valid and a coincidence, could also be seen as being suspicious, particularly as the address and telephone number used in the contact information are questionable.

Under these circumstances, the Panel concludes that the evidence submitted makes it more likely than not that Respondent has acted in bad faith. Complainant thus prevails under the third element.

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 <carrefour8.com> be transferred to Complainant.

/Georges Nahitchevansky/
Georges Nahitchevansky
Sole Panelist
Date: January 3, 2024