

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Domain Privacy, Domain Name Privacy Inc.
Case No. D2024-1653

1. The Parties

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

The Respondent is Domain Privacy, Domain Name Privacy Inc., Cyprus.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 19, 2024. On April 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 19, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name that differed from the named Respondent (Contact Privacy Inc. Customer 0170028736) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 25, 2024, 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 April 26, 2024.

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 May 3, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 23, 2024. The Respondent did not submit a response. Accordingly, the Center notified the Respondent’s default on May 27, 2024.

The Center appointed A. Justin Ourso III as the panelist in this matter on June 21, 2024. 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, a French corporation, is a publicly traded global retailer of a wide variety of goods and services, which has operated since at least 1968 under the well-known name and mark CARREFOUR, and under the mark BANQUE CARREFOUR, among others.

The Complainant owns an International registration, No. 351147, for its CARREFOUR trademark, issued on October 2, 1968, for goods in Classes 1-34; an International registration, No. 353849, for its CARREFOUR trademark, issued on February 28, 1969, for services in Classes 35 to 42, including in Class 36 for “insurance underwriting and financial services”; and a French registration, No. 3585968, issued on December 5, 2008, for its BANQUE CARREFOUR trademark for services in Class 36, including insurance; financial affairs; monetary affairs; providing funds, direct banking, financing services, and related services.

The Complainant owns multiple domain names, including <carrefour.com>, which it registered in 1995; <carrefour.com.br>, which it registered in 1997; <carrefour.net >, which it registered in 2001; and <carrefour-banque.fr>, which it registered in 2009.

The Respondent, using the contact information for a domain name privacy service, registered the Domain Name, using another privacy service, on January 26, 2024, without any authorization from the Complainant. Prior to the filing of the Complaint, the Domain Name redirected to a web page under a different domain name that did not include CARREFOUR, purported to offer cryptocurrency services, and provided fields for entering a user’s name and email address. During the preparation of this Decision, the Domain Name resolved at various times and using different browsers directly to a web page at “http://ww25.solucoescarrefour.com” that contained pay-per-click (“PPC”) advertising, including one for “grocery store flower delivery”, or redirected to two other different web pages, neither with CARREFOUR in the domain name, one offering a download for privacy protection and one requesting that the Internet user click in a field to prove that the Internet user was not a robot. During the redirection to this last landing page, one browser provided a warning “Not secure” in the address bar.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, the Complainant contends that it used its widely recognized trademark long before the Respondent registered the Domain Name; it has not licensed or otherwise authorized the Respondent to use its trademark; the Respondent is attracting Internet users by suggesting an affiliation with the Complainant, which is not a bona fide offering of goods or services; the Respondent registered and used the Domain Name in bad faith and deliberately added the Portuguese word “solucoes” to its trademark in the Domain Name to suggest an official or authorized link to the Complainant; the Respondent used a privacy service to conceal its identity and provided false contact information to the Registrar; and using the Complainant’s trademark to promote cryptocurrency services may not only mislead consumers but also disrupt or tarnish its brand.

B. Respondent

The Respondent did not submit a response to the amended Complaint.

6. Discussion and Findings

A complainant must prove three elements to obtain relief: (i) the domain name is identical or confusingly similar to a trademark in which the complainant has rights; (ii) the respondent has no rights or legitimate interests in the domain name; and (iii) the respondent registered and is using the domain name in bad faith. Policy, paragraph 4(a).

A. Identical or Confusingly Similar

On the first element, the Panel finds that the Domain Name is confusingly similar to the Complainant's registered CARREFOUR trademark. The Complainant's registrations establish its trademark rights. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.2.1. The trademark is readily recognizable within the Domain Name and the additional term "solucoes" does not avoid this finding. [WIPO Overview 3.0](#), sections 1.7 and 1.8. Accordingly, the Panel concludes that the Complainant has proven the first element: the Domain Name is confusingly similar to a trademark in which it has rights.

B. Rights or Legitimate Interests

The Respondent has not claimed the existence of any circumstance under the Policy, paragraph 4(c), that demonstrates that a respondent has rights to, or legitimate interests in, a domain name. The Complainant, on the other hand, has shown that it established its trademark rights long before the Respondent registered the Domain Name; it has not authorized the Respondent to use its trademark; and the record contains no evidence that the Respondent is commonly known by the Domain Name, including that none of the landing pages to which the Domain Name resolves include the Domain Name in whole or in part. These constitute prima facie a showing that the Respondent lacks any rights or legitimate interests in the Domain Name under the Policy, paragraph 4(a)(ii), shifting the burden of production on this second element to the Respondent to come forward with relevant evidence proving rights or legitimate interests in the Domain Name. [WIPO Overview 3.0](#), section 2.1. The Respondent has not submitted any evidence to rebut the prima facie showing.

Additionally, the Panel finds that, in an unusual and unexplained maneuver, the Respondent, using the contact information for a domain name privacy service, registered the Domain Name using another privacy service, thereby masking its identity. Significantly, the Domain Name does not consistently land on the same landing page, and the landing pages either use the Complainant's trademark to attract PPC advertising or suggest attempts at phishing for identity and contact information and the potential downloading of malware, which is not a bona fide commercial, noncommercial, or fair use of the Domain Name. Also, the Registrar identified the Respondent with a name that does not resemble the Domain Name and the Respondent failed to respond to the Complaint. The Panel finds that the Respondent failed to provide any evidence of a planned bona fide commercial use, a noncommercial use, or a fair use of the Domain Name. [WIPO Overview 3.0](#), sections 2.2, 2.3, and 2.9. To the contrary, the Panel finds that the evidence shows an intended deceptive use for commercial gain.

Accordingly, the Panel concludes that the second element is proven: the Respondent lacks rights or legitimate interests in the Domain Name.

C. Registered and Used in Bad Faith

The Policy provides that the following circumstance is "evidence of the registration and use of a domain name in bad faith: [. . .] by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site . . . , by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site". Policy, paragraph 4(b)(iv).

Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a well-known trademark, can create a presumption of bad faith registration, which here is unrebutted by the Respondent. [WIPO Overview 3.0](#), section 3.1.4.

The record shows that the Domain Name resolves to different landing pages at different times on which the Respondent either offers for sale, via PPC links, competing products and other products for commercial gain, or that appear to be deceptive attempts at phishing for identity and contact information or to attract Internet users to download malware. Such use constitutes registration and use in bad faith. [WIPO Overview 3.0](#), section 3.5.

Significantly, the Domain Name uses the Portuguese word “solucoes”, which is “solutions” in English. The Brazilian market is the Complainant’s second largest international market. The Panel finds that this is a deliberate attempt to target a significant segment of consumers and potential consumers of the Complainant. The Panel finds this conclusive evidence that the Respondent must have been aware of the Complainant’s trademark and of its rights in its mark at the time that the Respondent registered the Domain Name, and that the Respondent’s registration and use of the Domain Name and the Respondent’s landing pages are intended to attract, misleadingly and deceptively, customers and potential customers of the Complainant for the Respondent’s commercial gain. Policy, paragraph 4(b)(iv); [WIPO Overview 3.0](#), sections 3.1.4, 3.2.1, and 3.2.2.

These findings compel the Panel to conclude that the Respondent intentionally registered the Domain Name in bad faith to take unfair advantage of the Complainant’s trademark and that the Respondent is using the Domain Name in bad faith intentionally to attract Internet users to its site for commercial gain by creating a likelihood of confusion with the Complainant’s trademark as to the source of the landing pages or the source of the services offered on them, in violation of the Policy, paragraph 4(b)(iv). Accordingly, the Panel concludes that the third element is proven: the Respondent registered and is using the Domain Name in bad faith.

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 Domain Name <solucoescarrefour.com> be transferred to the Complainant.

/A. Justin Ourso III/

A. Justin Ourso III

Panelist

Date: July 4, 2024