

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Christian Purba
Case No. D2024-1822

1. The Parties

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

The Respondent is Christian Purba, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <carrefour-info.com> is registered with CV. Jogjacamp (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 30, 2024. On May 1, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 2, 2024, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 7, 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 May 7, 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 13, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 2, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 5, 2024.

The Center appointed Áron László as the sole panelist in this matter on June 11, 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 is a multinational retailer, headquartered in France with a turnover of EUR 83 billion in 2023. The Complainant operates more than 12,000 stores in more than 30 countries worldwide, has more than 321,000 employees worldwide.

The Complainant is the owner of numerous trademarks for or incorporating CARREFOUR, including:

- International registration CARREFOUR (word) No. 351147 registered on October 2, 1968,
- International registration CARREFOUR (word) No. 563304 registered on November 6, 1990,
- Indonesian trademark CARREFOUR (word) No. IDM000350346 registered on March 12, 2012,

and more than a dozen more Indonesian trademarks registered across various classes of goods (the "Trademarks").

The Complainant is also the owner of numerous domain names containing the CARREFOUR trademarks, both within generic and country code Top-Level Domains, created long before the disputed domain name, including the domain name <carrefour.com> created on October 25, 1995.

The CARREFOUR trademark has been recognized as well-known by numerous prior UDRP panels (for example in *Carrefour SA v. Jamyz Baleck, Beneld Liis* WIPO Case No. [D2023-1491](#)).

The disputed domain name was created on April 14, 2024, and resolves to an error page.

The Respondent is a private person with address in Indonesia.

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 disputed domain name.

Notably, the Complainant contends that the disputed domain name reproduces the Trademark CARREFOUR in its entirety. The Trademark appears in full and is separated from the other two words by a hyphen, which makes it clearly recognizable as such. The term "carrefour" is followed by the term "info", which is a common descriptive term in English. The addition of such a term does not prevent a finding of confusing similarity. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademarks.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent has not acquired any trademark rights in the trademark CARREFOUR which could give the Respondent rights in the disputed domain name. Furthermore, there is no evidence that the Respondent is commonly known by the disputed domain name as an individual, company or other organization. The Respondent has not used or prepared to use the disputed domain name in connection with a bona fide offer of goods or services prior to the original filing of the Complaint. The disputed domain name is inherently likely to deceive Internet users, and there is no evidence that the Respondent has made a legitimate, noncommercial, or fair use of the disputed domain name. Moreover, in view of the extensive use of the Complainant's trademarks, the Complainant does not see any plausible use of the disputed domain name that would be legitimate, fair, and noncommercial.

The Complainant further contends that the Respondent has registered and is using the disputed domain name in bad faith. The Complainant contends that the Complainant and its trademarks are so widely known that it is inconceivable that the Respondent was not aware of the Complainant or its earlier trademark rights. Given the Complainant's worldwide reputation and the ubiquitous presence of the Complainant's CARREFOUR trademark in various markets, it is highly likely that the Respondent was aware of the

CARREFOUR trademark long before registering the disputed domain name. The Complainant further contends that the current use of the disputed domain name cannot be considered to be in good faith under the doctrine of passive holding. The fact that the Respondent is attempting to conceal its identity is one of the factors demonstrating bad faith registration and use of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.”

Paragraph 4(a) of the Policy requires that a complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

- (i) the domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) the domain name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a Response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences as it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations set forth in a complaint. However, the Panel may deny relief where a complaint contains mere conclusory or unsubstantiated arguments. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 4.3.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the CARREFOUR trademark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other term here, “info” and a dash may bear on assessment of the second and third elements, the Panel finds the addition of such term and a dash does not prevent a finding of confusing similarity between the disputed domain name and the Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Based on the Complainant’s contentions, the Respondent is not a licensee of, or otherwise affiliated with, the Complainant and has not been authorized by the Complainant to use its CARREFOUR trademark. There is no actual or contemplated bona fide or legitimate use of the disputed domain name. The Complainant further contends that the Respondent is not known under the disputed domain name, does not own any rights in the name “Carrefour”, and does not make any bona fide use of it, either commercial or noncommercial.

According to the Complainant’s searches, there is no trademark containing the word mark CARREFOUR owned by the Respondent. This leads the Panel to find that the Respondent has not acquired any trademark in this term that could give the Respondent rights or legitimate interests in the disputed domain name.

As the adoption and extensive use of the Complainant’s trademarks occurred well before the registration of the disputed domain name, the Respondent failed to rebut the Complainant’s prima facie case and to establish its rights or legitimate interests in the disputed domain name.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes that the Complainant and the Complainant’s Trademarks are so widely used that it is inconceivable that the Respondent was unaware of the Complainant or its prior rights. The Respondent most likely had the Complainant’s name and trademarks in mind when it registered the disputed domain name. The disputed domain name exactly reproduces the Complainant’s trademarks, which cannot be a coincidence. The Complainant has provided ample evidence of the reputation of the Trademarks. Therefore, the fact that the Respondent chose to register the disputed domain name that reproduces that term strongly suggests that the Respondent targeted the Complainant’s trademarks. UDRP panels have

consistently held that the mere registration of a domain name that is identical or confusingly similar to a famous or well-known trademark by an unaffiliated entity may in itself create a presumption of bad faith ([WIPO Overview 3.0](#), Section 3.1.4).

This is reinforced by the fact that the Complainant's Trademarks were registered well before the date of registration of the disputed domain name.

Panels have found that the non-use of a domain name (including an error page, like in the present case) would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds the non-use of the disputed domain name does not prevent a finding of bad faith in the circumstances of this proceeding. Although panelists will look at the totality of the circumstances in each case, having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark and the failure of the Respondent to submit a response, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel finds that the Complainant has established the third element 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 <carrefour-info.com> be transferred to the Complainant.

/Áron László/

Áron László

Sole Panelist

Date: June 24, 2024