

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. gg gg2, ROUPAS E LOJAS LTDA
Case No. D2024-1927

1. The Parties

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

The Respondent is gg gg2, ROUPAS E LOJAS LTDA, Brazil.

2. The Domain Name and Registrar

The disputed domain name <lojacarrefour.store> (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 May 8, 2024. On May 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 8, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (“Contact Privacy Inc Customer 0170848572”) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 8, 2024, 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 13, 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 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 5, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 10, 2024.

The Center appointed Ian Lowe as the sole panelist in this matter on June 14, 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 worldwide leading retailer and a pioneer of the concept of hypermarkets back in 1968. With a revenue of EUR 83 billion in 2022, the Complainant is listed on the index of the Paris Stock Exchange (CAC 40). The Complainant operates more than 12,000 stores in more than 30 countries worldwide. It has more than 384,000 employees worldwide and 1.3 million daily unique visitors in its stores.

The Complainant is the proprietor of numerous trademarks worldwide for CARREFOUR including International trademark number 351147 registered on October 2, 1968, European Union trademark number 5178371 registered on August 30, 2007, and Brazil trademark number 1609621 registered on June 8, 2021.

The Complainant also owns many domain names comprising its trademarks, including <carrefour.com> registered in 1995 and <carrefour.com.br> registered in 1997.

The Domain Name was registered on April 9, 2024. It does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its CARREFOUR trademark, that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith within the meaning of the Policy.

B. Respondent

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

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the Domain Name 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.

A. Identical or Confusingly Similar

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

Based on the available evidence, the Panel finds 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.

Ignoring the generic Top-Level Domain (“gTLD”) “.store”, the Domain Name comprises the entirety of the Complainant’s CARREFOUR trademark with the addition of the word “loja” (the Portuguese language word for “store”). The Panel finds that this addition does not prevent a finding of confusing similarity between the Domain Name and the Complainant’s trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Accordingly, the Panel finds that the first element required under 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 that 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. Accordingly, 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.

The Respondent has made no use of the Domain Name and has not therefore used it for a bona fide offering of goods or services. There is no question of the Respondent being known by the Domain Name.

Having reviewed the available evidence, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the 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 Domain Name such as those enumerated in the Policy or otherwise.

Accordingly, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

In the light of the notoriety of the Complainant’s CARREFOUR name and trademark, the Panel considers it inconceivable that the Respondent did not have the Complainant and its rights in the trademark in mind when it registered the Domain Name.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available evidence, the Panel finds the non-use of the 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, factors that have been considered relevant in applying the passive holding doctrine include: “(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 (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put.” [WIPO Overview 3.0](#), section 3.3.

In this case, the Complainant’s trademark is distinctive; the Respondent has failed to respond to the Complaint; the Respondent used a privacy service to conceal its identity; and the Panel cannot conceive of any good faith use to which the Respondent could put the Domain Name.

Based on the available evidence, 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 Domain Name <lojacarrefour.store> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: June 28, 2024