

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Carolina Rodrigues, Fundacion Comercio Electronico Case No. D2024-2756

1. The Parties

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

The Respondent is Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

2. The Domain Names and Registrar

The disputed domain names <carreforu.com> and <carrfour.com> are registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 8, 2024. On July 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On the same day, 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 (Registration Private / Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 12, 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 July 16, 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 July 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 6, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 8, 2024.

The Center appointed Alexander Duisberg as the sole panelist in this matter on August 13, 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 Carrefour SA, a leading company in retail and hypermarkets, that operates more than 12,000 stores in more than 30 countries worldwide. The Complainant has more than 384,000 employees worldwide and 1.3 million daily visitors in its stores. The Complainant additionally offers travel, banking, insurance, and ticketing services.

The Complainant is owner of the following trademark registrations (non-exhaustive list) ("CARREFOUR Trademarks"):

International Trademark Registration CARREFOUR No 351147, registered on October 2, 1968.

International Trademark Registration CARREFOUR No 353849, registered on February 28, 1969.

European Union Trademark Registration CARREFOUR No 5178371, registered on August 30, 2007.

The Complainant provided a list of all registered and filed trademarks.

The Complainant operates the domain names <carrefour.com> which has been registered since 1995 and <carrefour.fr> which has been registered since 2005.

The disputed domain names <carreforu.com> and <carrfour.com> were both registered on June 14, 2024. The Complainant has registered all CARREFOUR Trademarks before the registration of the disputed domain names. The Complainant has submitted screenshots of the Respondent's websites which lead to pay-per-click (PPC) websites of commercial links relating to retail shopping and insurance.

The Respondent did not reply to the Complaint.

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 names.

Notably, the Complainant contends that the disputed domain names <carreforu.com> and <carrfour.com> are confusingly similar to its CARREFOUR Trademarks. The Complainant contends that the CARREFOUR Trademarks are immediately recognizable in the disputed domain names despite minor misspellings consisting of the inversion of the letters "r" and "u" in the first disputed domain name <carreforu.com>, and the replacement of the letter "e" with the letter "r" (which are adjacent characters in a "qwerty" keyboard) in the second disputed domain name <carrfour.com>. The Complainant contends that these changes do not alter the overall impression given by the disputed domain names.

Furthermore, the Complainant argues that the Respondent has no rights or legitimate interests in using the disputed domain names. The Complainant states that it has performed searches and found no CARRRFOUR or CARREFORU trademarks registered by the Respondent. The Complainant states that it has found no evidence that the Respondent is known by the disputed domain names. The Complainant submits that it has not authorized the use of its CARREFOUR Trademarks or names similar to the disputed domain names in any manner or form. The Complainant puts forth that the Respondent has not used or prepared to use the disputed domain names in relation to a bona fide offering of goods or services.

The Complainant states that the disputed domain names were registered and used in bad faith, since the Complainant and its CARREFOUR Trademarks are so widely well-known, that it is inconceivable that the Respondent did not have the Complainant's name and CARREFOUR Trademarks necessarily in mind when registering the disputed domain names. The Complainant states that the Respondent's choice of the disputed domain names cannot have been accidental (two examples of typos of the Complainant's domain name, <carrefour.com>, registered at the same time, one minute apart) and must be influenced by the reputation of the CARREFOUR Trademarks. The Complainant argues that the Respondent has most likely registered the disputed domain names in the hope and expectation that Internet users searching for the Complainant's services and products would instead come across the disputed domain names.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove each of the following:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Panel acknowledges the consensus view – as set forth in section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (the "[WIPO Overview 3.0](#)") – that the Respondent's default to respond to the Complaint does not automatically result in a decision in favor of the Complainant.

The Complainant must establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from the Respondent's default (e.g., to regard factual allegations which are not inherently implausible as being true), paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in the UDRP proceeding. In view of the Panel, the Complainant has established sufficient evidence in its favor in the case at hand.

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 Trademarks are recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the CARREFOUR Trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9.

The CARREFOUR Trademarks are immediately recognizable in the disputed domain names <carreforu.com> and <carrfour.com>. Despite minor misspellings consisting of the inversion of the letters "r" and "u" in the first disputed domain name and the replacement of the letter "e" with the letter "r" (which are adjacent characters in a qwerty keyboard) in the second disputed domain name, both disputed domain

names are similar to the CARREFOUR Trademarks (*Redbox Automated Retail, LLC d/b/a Redbox v. Milen Radumilo*, WIPO Case No. [D2019-1600](#); *Laboratoire Terravita v. Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2022-4030](#)).

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 names. 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 names such as those enumerated in the Policy or otherwise.

The CARREFOUR Trademarks are well known and have been registered and used preceding the date of the Respondent’s registration of the disputed domain names. The Complainant has neither authorized the Respondent to use the CARREFOUR Trademarks nor is the Respondent in whatever manner affiliated with the Complainant.

The Respondent cannot be considered to be making a bona fide offering of goods and services in the meaning of paragraph 4(c)(i) of the Policy. Panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of a complainant’s mark or otherwise mislead Internet users. [WIPO Overview 3.0](#), section 2.9. The disputed domain names resolve to such websites comprising PPC links targeting the Complainant’s field of services in both the retail and insurance industries. It is highly likely that the Respondent is actively trying to take financial advantage from Internet users that intend to reach the Complainant’s official website and make a mistake when entering the respective domain name, which leads them to the Respondent’s websites.

The disputed domain names are highly likely to mislead Internet users, as probably intended by the Respondent when registering such typosquatting variations, and there is no evidence that the Respondent has been making a legitimate noncommercial or fair use of the disputed domain names. While commercial or PPC links can be permissible, e.g., “where the domain name consists of an actual dictionary word(s) or phrase and is used to host PPC links genuinely related to the dictionary meaning of the word(s) or phrase comprising the domain name, and not to trade off the complainant’s (or its competitor’s) trademark”, there is no such evidence here. [WIPO Overview 3.0](#), section 2.9.

It is also highly unlikely that the Respondent is commonly known by the name “CARREFORU” or “CARRRRFOUR”, particularly when considering that the Registrar-disclosed information bears no resemblance to either. The Respondent has not filed any Response to the Complaint and, therefore, has not alleged any facts or elements to justify rights or legitimate interests in the disputed domain names.

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

C. Registered and Used in Bad Faith

Paragraph 4(b)(iv) constitutes that circumstances indicating the use of the disputed domain names primarily to attract, for commercial gain, Internet users to the Respondent's websites or other online location, by creating a likelihood of confusion with the Complainant's CARREFOUR Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's websites or location or of a product or service on the Respondent's website or location shall be evidence of the registration and use of the disputed domain names in bad faith. Panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Panels have moreover found the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: (i) actual confusion, (ii) seeking to cause confusion (including by technical means beyond the domain name itself) for the respondent's commercial benefit, even if unsuccessful, (iii) the lack of a respondent's own rights to or legitimate interests in a domain name, (iv) redirecting the domain name to a different respondent-owned website, even where such website contains a disclaimer, (v) redirecting the domain name to the complainant's (or a competitor's) website, and (vi) absence of any conceivable good faith use. [WIPO Overview 3.0](#), section 3.1.4.

In the present case, the Panel notes that the Respondent is most likely actively trying to take financial advantage from Internet users that intend to reach the Complainant's official website and make a mistake when entering the respective domain name, which leads them to the Respondent's websites. The disputed domain names are highly likely to mislead Internet users and there is no evidence that the Respondent has been making a legitimate noncommercial or fair use of the disputed domain names. The disputed domain names do not resolve to active websites but to websites containing PPC links relating to the CARREFOUR Trademarks. Considering the nature of the websites, the Respondent is actively targeting the Complainant's reputation of the CARREFOUR Trademarks to capitalize it for its own profit (*Vorwerk International AG v. Host Master, Transure Enterprise Ltd*, WIPO Case No. [D2022-4237](#); *International Business Machines Corporation v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2021-0633](#); *Redbox Automated Retail, LLC d/b/a Redbox v. Milen Radumilo*, WIPO Case No. [D2019-1600](#)). Lastly, as just cited, the Respondent appears to be well-familiar with the UDRP, having been the respondent in hundreds of prior UDRP decisions held against her, reflecting the fact that the Respondent is engaged in a pattern of bad faith registrations that ultimately further supports the Panel's finding of bad faith in this instance. See, for example, *Philip Morris USA Inc. v. Registration Private, Domains By Proxy, LLC / Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2018-1616](#); *Compagnie Générale des Etablissements Michelin v. Registration Private, Domains By Proxy, LLC/Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2022-2318](#); *SODEXO v. Carolina Rodrigues, Fundacion Comercio Electronico*, WIPO Case No. [D2024-2378](#).

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 names <carreforu.com> and <carrfour.com> be transferred to the Complainant.

/Alexander Duisberg/

Alexander Duisberg

Sole Panelist

Date: August 27, 2024