

## ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Sophia  
Case No. D2024-3088

### 1. The Parties

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

The Respondent is Sophia, United States of America.

### 2. The Domain Name and Registrar

The disputed domain name <carrefour-vip.top> is registered with Alibaba.com Singapore E-Commerce Private Limited (the "Registrar").

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on July 28, 2024. On July 29, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 30, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 2, 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 in English on August 3, 2024.

On August 2, 2024, the Center informed the parties in Chinese and English, that the language of the registration agreement for the disputed domain name is Chinese. On August 3, 2024, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in Chinese and English, and the proceedings commenced on August 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 28, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 30, 2024.

The Center appointed James Wang as the sole panelist in this matter on September 6, 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 leader in retail and a pioneer of the concept of hypermarkets back in 1963.

The Complainant operates more than 12,000 stores in more than 30 countries worldwide. The Complainant is listed on the index of the Paris Stock Exchange.

The Complainant owns numerous registered trademarks incorporating CARREFOUR worldwide. The vast majority were registered before the registration date of the disputed domain name. These include:

- International trademark CARREFOUR No. 351147, registered on October 2, 1968 and renewed, designating goods in classes 1 to 34; and
- International trademark CARREFOUR No. 353849, registered on February 28, 1969 and renewed, designating services in classes 35 to 42.

The Complainant is also the owner of numerous domain names consisting of or containing the CARREFOUR trademark. Among these, <carrefour.com> was registered in 1995.

The disputed domain name was registered on July 6, 2024. The disputed domain name does not resolve to any active website.

#### **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 is confusingly similar to the CARREFOUR trademark in which the Complainant has rights. The Respondent has no rights or legitimate interests in respect of the disputed domain name. The disputed domain name was registered and is being used in bad faith.

The Complainant requested that the disputed domain name be transferred to the Complainant.

##### **B. Respondent**

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

## 6. Discussion and Findings

### 6.1 Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Considering the Center has already sent Chinese-English dual language case-related communications to the Parties, including communications regarding the language of the proceeding, and thereby given the Respondent an opportunity to comment on or to oppose the Complainant's request and arguments, and considering the Respondent's default and lack of reaction after having been given a fair chance to comment or oppose, together with the fact that the disputed domain name consists of only Latin letters instead of Chinese characters, the Panel finds it would not be unfair to proceed in English as requested by the Complainant.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

### 6.2 Substantive Elements

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

- (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.

#### A. Identical or Confusingly Similar

The Complainant has provided evidence that it is the registrant of numerous CARREFOUR trademark registrations across different jurisdictions. The Complainant is also the owner of numerous domain names consisting of or containing the CARREFOUR trademark.

The applicable Top-Level Domain ("TLD") in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. The practice of disregarding the TLD in determining identity or confusing similarity is applied irrespective of the particular TLD; the ordinary meaning ascribed to a particular TLD would not necessarily impact assessment of the first element. Therefore, the term "top", as the TLD of the disputed domain name, shall be disregarded under the confusing similarity test. See [WIPO Overview 3.0](#), section 1.11.1.

The disputed domain name incorporates the entirety of the Complainant's CARREFOUR trademark. As the CARREFOUR trademark is recognizable within the disputed domain name, the disputed domain name is confusingly similar to the Complainant's CARREFOUR trademark. The addition of "-vip" into the disputed domain name does not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), sections 1.7 and 1.8.

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

### **B. Rights or Legitimate Interests**

Proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. See [WIPO Overview 3.0](#), section 2.1.

The Panel considers that the composition of the disputed domain name carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1. According to the Complainant, there is no evidence to suggest that the Respondent has used or made demonstrable preparations to use the domain name in connection with a bona fide offering of goods or services. There is no evidence that the Respondent has been commonly known by the disputed domain name. The Complainant has not authorized or permitted the Respondent to use the CARREFOUR trademark in any manner. The Respondent is not affiliated with the Complainant, nor has the Complainant granted any license or permission to the Respondent to use the CARREFOUR trademark.

The Respondent submitted no response or evidence to rebut the allegations of the Complainant.

The Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests, and the Respondent failed to come forward with relevant evidence demonstrating 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 Complainant has provided evidence that the Complainant's CARREFOUR trademark is widely known and has a long-lasting worldwide reputation.

Given the high reputation and the distinctive nature of the Complainant's CARREFOUR trademark, it would be inconceivable that the Respondent registered the disputed domain name without knowledge of the Complainant's CARREFOUR trademark at the time of the registration. The Panel therefore agrees with the Complainant's contention that the disputed domain name was registered in bad faith.

The Panel noticed that the disputed domain name does not resolve to any active webpage. Under the doctrine of passive holding, the Respondent's non-use of the disputed domain name will not prevent a finding of bad faith under the circumstances of this case. See [WIPO Overview 3.0](#), section 3.3.

Moreover, UDRP panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly domain names 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. See [WIPO Overview 3.0](#), section 3.1.4.

The Panel therefore 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-vip.top> be transferred to the Complainant.

*/James Wang/*

**James Wang**

Sole Panelist

Date: September 20, 2024