

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Bbu Gulli Ann, Ed Glenn, Grant di Grant di
Case No. D2024-3468

1. The Parties

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

The Respondents are Bbu Gulli Ann, Ed Glenn, Netherlands (Kingdom of the) and Grant di Grant di, Malaysia.

2. The Domain Names and Registrar

The disputed domain names <carrefoursnap.cc>, <carrefoursnap.com>, <carrefoursnap.icu>, <carrefoursnap.online>, < carrefoursnap.shop>, <carrefoursnap.top>, <carrefoursnap.vip>, <carrefoursnap.xyz>, and <carrefoursnsap.vip> are registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 26, 2024. On August 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On August 27, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrants and contact information for the disputed domain names which differed from the named Respondents (Redacted for privacy, Unknown) and contact information in the Complaint.

The Center sent an email communication to the Complainant on September 3, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on September 5, 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 September 13, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 3, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 7, 2024.

The Center appointed Eva Fiammenghi as the sole panelist in this matter on October 8, 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 major global player in retail and a pioneer of hypermarkets, established in 1968. The Complainant operates over 12,000 stores in more than 30 countries, generating revenue of EUR 83 billion in 2022. Listed on the Paris Stock Exchange (CAC 40), the company has a strong presence in several sectors including travel, banking, insurance, and ticketing services.

The Complaint is based on several of the Complainant's well-known trademarks:

- International Trademark Reg. No. 351147, CARREFOUR, Reg. Date October 2, 1968, Classes 1 to 34;
- International Trademark Reg. No. 353849, CARREFOUR, Reg. Date February 28, 1969, Classes 35 to 42; and
- European Union Trademark Reg. No. 005178371, CARREFOUR, Reg. Date August 30, 2007, Classes 9, 35, and 38.

These trademarks have a long-standing presence and have been consistently renewed.

The disputed domain names were registered between July 31 and August 22, 2024. According to the evidence submitted by the Complainant, the disputed domain names <carrefoursnap.icu>, <carrefoursnap.online>, <carrefoursnap.top> and <carrefoursnap.xyz> previously resolved to login webpages that prominently displayed the Complainant's CARREFOUR trademark. At the time of the Decision, the disputed domain names are no longer active except for the disputed domain name <carrefoursnsap.vip>, which resolves to a login webpage prominently displaying the Complainant's CARREFOUR trademark.

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 argues that the disputed domain names are confusingly similar to its well-known CARREFOUR trademarks. The disputed domain names incorporate the CARREFOUR trademark entirely, coupled with generic terms such as "snap" or a variation like "snsap". It is established that the addition of such generic terms does not diminish the likelihood of confusion.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain names. The Respondent has not been commonly known by these names. The Complainant has not authorized the use of its trademark, and there is no indication that the Respondent has made any legitimate,

bona fide use of the disputed domain names. The Complainant argues that the Respondent's usage of the disputed domain name, which includes the illicit use of the Complainant's trademarks, misleads Internet users into believing the sites are affiliated with Complainant.

The Complainant asserts that the disputed domain names were registered and are being used in bad faith. The disputed domain names are used in a way that capitalizes on the reputation of the Complainant's trademarks to deceive and mislead users. The Respondent's use of these disputed domain names likely aims to divert traffic away from the Complainant for commercial gain by creating a false association with the Complainant.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed a 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;
- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

These elements are discussed in turn below. In considering these elements, paragraph 15(a) of the Rules provides that the Panel shall decide the Complaint on the basis of statements and documents submitted and in accordance with the Policy, the Rules and any other rules or principles of law that the Panel deems applicable.

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different disputed domain name registrants. The Complainant alleges that the disputed domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See [WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition \("WIPO Overview 3.0"\)](#), section 4.11.2.

As regards common control, the Panel notes that the disputed domain names (e.g., <carrefoursnap.cc>, <carrefoursnap.com>, <carrefoursnap.icu>, <carrefoursnap.online>, <carrefoursnap.top>, <carrefoursnap.vip>, <carrefoursnap.xyz>, <carrefoursnsap.vip>, <carrefoursnap.shop>) share a significant similarity in naming patterns and the websites some of the disputed domain names resolved to had identical content. The Panel also notes that the disputed domain names were registered in a short time frame and have the same Registrar.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as “the Respondent”) in a single proceeding.

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 names. According to the [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 entirety of the mark is reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds that the addition of the term “snap” (or the variation “snsap”) does not prevent a finding of confusing similarity between the disputed domain names and the mark 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.

The Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has failed to rebut this prima facie showing and has not come forward with any relevant evidence, such as proof of a bona fide offering of goods, evidence of being commonly known by the disputed domain names, or proof of legitimate noncommercial or fair use.

Additionally, it is clear that the Respondent has used the disputed domain names <carrefoursnap.icu>, <carrefoursnap.online>, <carrefoursnap.top>, <carrefoursnap.xyz> and <carrefoursnsap.vip> in connection with illegitimate activity, such as impersonation or passing off as the Complainant. This conduct cannot confer any rights or legitimate interests under the Policy.

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

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy outlines circumstances which, if found, demonstrate the registration and use of a domain name in bad faith. In this case, the Panel finds that the Respondent's actions meet these criteria:

Knowledge of the Complainant's Trademarks: The Respondent must have been aware of the Complainant's globally recognized trademarks when registering the disputed domain names. The Respondent registered the disputed domain names incorporating the well-known CARREFOUR trademarks with the term "snap" (or the variation "snsap"). This cannot be coincidental, given the Complainant's established global reputation and numerous trademark registrations.

The Panel notes that the Respondent has used the disputed domain names to impersonate the Complainant, misleading users and attempting to capitalize on the Complainant's goodwill. This is evident from the content on the websites at some of the disputed domain names, designed to create the false impression of affiliation with the Complainant. The current passive holding of the disputed domain names do not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

The registration of multiple domain names containing the Complainant's trademark within a short period suggests a clear pattern of abusive behavior. UDRP panels have held that this pattern of registering domain names similar to well-known marks constitutes bad faith.

The fact that the Respondent did not respond to the Complaint further supports this finding of bad faith.

The Complainant has established that the disputed domain names were registered and used in bad faith, satisfying 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 <carrefoursnap.cc>, <carrefoursnap.com>, <carrefoursnap.icu>, <carrefoursnap.online>, <carrefoursnap.shop>, <carrefoursnap.top>, <carrefoursnap.vip>, <carrefoursnap.xyz>, and <carrefoursnsap.vip> be transferred to the Complainant.

/Eva Fiammenghi/

Eva Fiammenghi

Sole Panelist

Date: October 22, 2024