

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Amire Smith
Case No. D2024-3796

1. The Parties

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

The Respondent is Amire Smith, United States of America.

2. The Domain Name and Registrar

The disputed domain name <carrefoursolutions.net> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 18, 2024. On September 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 19, 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, DomainsByProxy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 20, 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 September 24, 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 October 2, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 22, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 23, 2024.

The Center appointed Daniel Peña as the sole panelist in this matter on November 4, 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 company registered in France and listed on the Paris Stock Exchange (CAC 40).

The Complainant, founded in 1959, operates more than twelve thousand stores in more than 30 countries with more than 384,000 employees worldwide and a turnover around 80 billion euros every year.

The Complainant was a Premium Partner of the Paris 2024 Olympic Games.

The Complainant is the owner of the following trademarks registered before the registration of the disputed domain name and notably:

- International trademark CARREFOUR No. 191353, registered on March 9, 1956, duly renewed, and designating goods in international class 3;
- International trademark CARREFOUR No. 351147, registered on October 2, 1968, duly renewed, and designating goods in international classes 1 to 34;
- International trademark CARREFOUR No. 353849, registered on February 28, 1969, duly renewed, and designating services in international classes 35 to 42;
- European Union trademark CARREFOUR No. 005178371, registered on August 30, 2007.

The disputed domain name was registered on August 7, 2024. It resolves to a landing page displaying the expressions “CARREFOUR SOLUTIONS”, and “Launching Soon”. This webpage also invites Internet users to subscribe to a newsletter’s mailing list.

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 Complainant’s CARREFOUR trademarks. The addition of the generic term “solutions” does not significantly differentiate the disputed domain name from the Complainant’s trademark. Instead, it increases the likelihood of confusion by implying an association with the Complainant’s diverse range of services and business operations.

The Complainant has not authorized, licensed, or otherwise permitted the Respondent to use its well-known CARREFOUR trademark in any form, including as part of a domain name.

The Complainant asserts that the Respondent’s use of the disputed domain name, which resolves to a landing page displaying the words “launching soon” and inviting users to subscribe to a newsletter does not constitute a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name.

The Complainant contends that given the fame and distinctiveness of the CARREFOUR trademark, it is inconceivable that the Respondent was unaware of the Complainant's rights at the time of registering the disputed domain name.

The Complainant considers that the Respondent, by incorporating the CARREFOUR mark into the disputed domain name, has created a strong likelihood of confusion among Internet users.

The Complainant asserts that the Respondent's invitation for users to subscribe to a newsletter on the landing page poses a significant risk of phishing.

The Complainant considers that the Respondent has registered and is using the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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 has been registered and is being used in bad faith. Considering these requirements, the Panel rules as follows.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The Complainant has provided evidence of its rights in the trademarks CARREFOUR on the basis of its multiple trademark registrations including its international trademark registration and the European Union trademark registration. A trademark registration provides a clear indication that the rights in the trademark belong to the Complainant (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.2.1). It has also been established by prior UDRP panels that incorporating a trademark in its entirety into a domain name can be sufficient to establish that the domain name is confusingly similar to a trademark. Such findings were confirmed, for example, within section 1.7 of the [WIPO Overview 3.0](#).

The Respondent's incorporation of the Complainant's CARREFOUR trademark in full in the disputed domain name is evidence that the disputed domain name is confusingly similar to the Complainant's mark. Mere addition of the term "solutions" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's mark CARREFOUR because the Complainant's CARREFOUR mark remains clearly recognizable in the disputed domain name.

As noted in [WIPO Overview 3.0](#), section 1.8: "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element."

Furthermore, the addition of the gTLD ".net" is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the trademark in which the Complainant has rights, meaning that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

In accordance with paragraph 4(a)(ii) of the Policy, the Complainant must prove that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel observes that there is no relationship, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Panel also finds that there is no indication that the Respondent is commonly known by the disputed domain name because the Respondent's name is "Amire Smith" which has no apparent connection with the CARREFOUR trademark.

The Complainant claims that the Respondent has no connection or affiliation with the Complainant and has not received any license or consent, express or implied, to use the Complainant's trademarks in a domain name or in any other manner. Furthermore, the disputed domain name directs to a landing page displaying the words "Launching Soon" and inviting users to subscribe to a newsletter, without the Complainant's authorization. Such use for deliberately attracting Internet users to its website in the mistaken belief that it is a website of the Complainant, or otherwise linked to or authorized by the Complainant supports a finding that the Respondent lacks rights to or legitimate interests in the disputed domain name.

The Panel concludes that the Respondent deliberately chose to include the Complainant's CARREFOUR trademark in the disputed domain name, in order to achieve commercial gain by misleading third parties, and that such use cannot be considered as a legitimate noncommercial or fair use. The Respondent is using the disputed domain name to purportedly associate to the Complainant's reputation in the online retail and inviting Internet users to subscribe to a newsletter which increases the risk of phishing activities.

The Respondent did not submit a Response or attempt to demonstrate any rights or legitimate interests in the disputed domain name, and the Panel draws adverse inferences from this failure, where appropriate, in accordance with the Rules, paragraph 14(b).

The Panel finds the Respondent has no rights or legitimate interests in respect of the disputed domain name and that paragraph 4(a)(ii) of the Policy is satisfied. Given the above, the Panel finds that the Complainant has satisfied the requirement under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered evidence of the registration and use of a disputed domain name in bad faith: (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting or otherwise transferring the domain name registration to the complainant (the owner of the trademark or service mark) or to a competitor of that complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; (ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; (iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its web site or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's web site or location or of a product or service on its web site or location.

In the Panel's view, a finding of bad faith may be made where the Respondent "knew or should have known" of the registration and/or use of the trademark prior to registering the disputed domain name. In this case, the Complainant submits that at the date of registration of the disputed domain name, the Respondent knew or should have known of the Complainant's mark CARREFOUR considering the global renown of the Complainant's prior mark.

In the Panel's view, the mere registration of the disputed domain name (incorporating the mark plus the term "solutions") that is confusingly similar to the famous CARREFOUR trademark by an unaffiliated entity creates a presumption of bad faith (see section 3.1.4 of the [WIPO Overview 3.0](#)). In this regard, the Respondent has not provided any reasonable explanation for the registration of the disputed domain name.

The Panel further notes the fact that the disputed domain name directs to a landing page displaying the words "Launching Soon" and inviting Internet users to subscribe to a newsletter. The Panel is satisfied that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark CARREFOUR as to the source, sponsorship, affiliation, or endorsement of its website or of the products on its website (see section 3.1.4 of the [WIPO Overview 3.0](#)). Under paragraph 4(b)(iv) of the Policy, this circumstance shall be evidence of the registration and use of a domain name in bad faith.

Consequently, the Panel finds that the disputed domain name was registered and is being used by the Respondent in bad faith within paragraph 4(a)(iii) 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 <carrefoursolutions.net> be transferred to the Complainant.

/Daniel Peña/

Daniel Peña

Sole Panelist

Date: November 15, 2024