

## **ADMINISTRATIVE PANEL DECISION**

Carrefour SA v. Faizan Shah, dwanfaf  
Case No. D2024-4462

### **1. The Parties**

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

The Respondent is Faizan Shah, dwanfaf, China.

### **2. The Domain Name and Registrar**

The disputed domain name <carefour.store> 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 October 30, 2024. On October 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 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 (CR811500015 / Registration Private / Domains By Proxy, LLC / DomainsByProxy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 4, 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 November 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 November 12, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 2, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 3, 2024.

The Center appointed Marilena Comanescu as the sole panelist in this matter on December 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 one of the worldwide leaders in retail and a pioneer of the concept of hypermarkets back in 1968. With a turnover around EUR 80 billion every year, the Complainant is listed on the index of the Paris Stock Exchange (CAC 40) and was a Premium Partner of the Paris 2024 Olympic Games. The Complainant operates more than 12,000 stores in more than 30 countries worldwide, has more than 384,000 employees, and 1.3 million daily unique visitors in its webstores.

The Complainant owns numerous worldwide trademark registrations for or including CARREFOUR, such as the following:

- the International Trademark Registration number 191353 for CARREFOUR (word), registered on March 9, 1956, covering goods in International Class 3;

- the International Trademark Registration number 351147 for CARREFOUR (word), registered on October 2, 1968, covering goods in International Classes from 1 to 34; and

- the European Union trademark registration number 005178371 for CARREFOUR (word), filed on June 20, 2006, registered on August 30, 2007, covering goods and services in International Classes 9, 35, and 38.

The Complainant owns numerous domain names incorporating CARREFOUR, such as <carrefour.com> registered on October 25, 1995, <carrefour.fr> registered on June 23, 2005, and <carrefour.eu> registered on March 10, 2006.

The disputed domain name was registered on August 9, 2024, and, at the time of filing of the Complaint, it was not actively used.

When the Panel visited the website under the disputed domain name, it resolved to an online store promoting for sale footwear from various brands, stating in the "About us" section: "zeroshopy is one of the world's leading online stores and you have many great reasons to buy from us", however no contact information, other than an email address, was provided.

#### **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 its earlier well-known trademark, in particular, the Respondent has merely altered the spelling of the Complainant's mark by omitting a single letter, which does not prevent the term from being phonetically identical to the Complainant's mark and, this minor alteration, constitutes a classic example of "typosquatting" intended to exploit and misappropriate the goodwill associated with the CARREFOUR trademark; the generic Top-Level Domain ("gTLD") ".store" does not distinguish the disputed domain name from the Complainant's trademark, instead it strengthens the likelihood of confusion, particularly as "store" accurately reflects the retail nature of the Complainant's business; the Respondent has no rights or legitimate interests in the disputed domain name; the Complainant's mark is well known and the disputed domain name carries a risk of implied affiliation with the Complainant; the Respondent registered and is using the disputed domain name in bad faith, as evidenced by: the concealment of the Respondent's identity in the Whois; the choice to register the

disputed domain name that is a clear misspelling of the Complainant's well known trademark, which underscores an intent to capitalize on consumer confusion and exploit the Complainant's goodwill; also, the fact that such domain can confuse consumers and may be used in the future for deceptive purposes, such as phishing or other fraudulent schemes; the Complainant's mark being so internationally recognized and highly distinctive, in particular in the retail sector, that it is implausible that the Respondent would have been unaware of the CARREFOUR trademark at the time of registration; and the non-use of the disputed domain name, which does not prevent a finding of bad faith under the doctrine of passive holding.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under the Policy, the Complainant is required to prove on the balance of probabilities 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 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**

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[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 mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the omission of one letter composing the mark, the letter "r", may bear on assessment of the second and third elements, the Panel finds the omission of such letter, a misspelling of the mark, does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.9.

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 record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed 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 disputed domain name such as those enumerated in the Policy or otherwise.

The Panel further notes the composition of the disputed domain name, reproducing the Complainant's trademark, trade name and domain names, with a minor alteration, followed by the gTLD ".store" related to the Complainant's retail business. There is a risk that Internet users will not notice the subtle misspelling. In the present case, the Panel therefore finds that the composition of the disputed domain name, together with the content changed after filing the Complaint (in relation to online store), creates a risk of confusion between the disputed domain name and the Complainant.

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

### **C. Registered and Used in Bad Faith**

The Panel notes that for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the disputed domain name was registered in bad faith, with knowledge of the Complainant and its trademark particularly because it reproduces the Complainant's trademark with a minor obvious alteration, and the Complainant's trademark predates the registration of the disputed domain name by more than 50 years and is highly distinctive and well known worldwide.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

At the time of filing the Complaint, the disputed domain name was not connected to an active website.

UDRP panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel notes the distinctiveness and international reputation of the Complainant's trademark; the composition of the disputed domain name (i.e., a misspelling of the Complainant's mark); the Respondent's failure to respond to the present proceedings; the Respondent's provision of inaccurate contact details in the Whois (since the Written Notice by the Center could not be delivered); the implausibility of any good faith use to which the disputed domain name may be put, and finds that, in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. [WIPO Overview 3.0](#), section 3.3.

When the Panel visited the website under the disputed domain name, it was used in relation to an online store.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] website 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] website or location or of a product or service on [the respondent's] website or location" is evidence of registration and use in bad faith.

Given that the disputed domain name incorporates the Complainant's trademark with a minor alteration, the website operated under the disputed domain name promotes goods similar to those provided by the Complainant, and has no disclaimer or accurate information about its owner, indeed in this Panel's view, the Respondent has intended to attract unsuspecting Internet users accessing the website corresponding to the disputed domain name who may be confused and believe that the website is held, controlled by, or somehow affiliated with or related to the Complainant, for the Respondent's commercial gain.

Previous UDRP panels have found that the mere registration of a domain name that is identical or confusingly similar to a widely known trademark by an unaffiliated entity can, by itself, create a presumption of bad faith for the purpose of Policy. [WIPO Overview 3.0.](#), section 3.1.4.

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 name, <carefour.store>, be transferred to the Complainant.

*/Marilena Comanescu/*

**Marilena Comanescu**

Sole Panelist

Date: December 17, 2024