

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Domain Privacy, Domain Name Privacy Inc.
Case No. D2024-4560

1. The Parties

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

The Respondent is Domain Privacy, Domain Name Privacy Inc., Cyprus.

2. The Domain Name and Registrar

The disputed domain name <carrefour.online> is registered with Communigal Communications Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 6, 2024. On November 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 12, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 Rebecca Slater as the sole panelist in this matter on December 5, 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 public limited company registered in France. It was founded in 1959. The Complainant operates over 12,000 stores in more than 30 countries, and has over 384,000 employees worldwide. The Complainant is one of the worldwide leaders in retail and was recently a Premium Partner for the Paris 2024 Olympic Games.

The Complainant has a portfolio of registrations for the CARREFOUR trade mark, including International Trade Mark Registration No. 191353 for CARREFOUR word mark (registered on March 9, 1956), International Trade Mark Registration No. 351147 for CARREFOUR word mark (registered on October 2, 1968), and European Union Trade Mark Registration No. 005178371 for CARREFOUR word mark (registered on August 20, 2007) (the "Trade Mark").

The Complainant operates domain names which incorporate the Trade Mark, including <carrefour.com> (registered on October 25, 1995), and <carrefour.net> (registered June 18, 2001).

The Complainant also uses several social media accounts which feature the Trade Mark. For example, its Facebook France page has 11 million followers.

The Respondent is located in Cyprus.

The disputed domain name was registered on October 23, 2024.

At the time of filing of the Complaint, the disputed domain name resolved to a page displaying pay-per-click ("PPC") links.

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.

The Complainant contends that:

- The disputed domain name is confusingly similar to the Trade Mark. The Respondent has engaged in typosquatting.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has never been authorized by the Complainant to use the Trade Mark. The disputed domain name is not actively used. The Respondent has not attempted to develop a website, offer goods or services, or otherwise make any use of the disputed domain name in connection with a bona fide offering of goods and services.
- The disputed domain name was registered and is being used in bad faith by the Respondent. The Respondent has deliberately concealed its identity. The Trade Mark is internationally recognized and highly distinctive. The clear misspelling of the Trade Mark within the disputed domain name demonstrates the Respondent's awareness of the Complainant and underscores an attempt to capitalize on consumer confusion and exploit the Complainant's goodwill. The PPC nature of the website associated with the disputed domain name demonstrates an intent to benefit financially from the Complainant's established Trade Mark.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- the disputed domain name has been registered and is being used in bad faith.

The onus of providing these elements is on the Complainant.

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 trade mark 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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the Trade Mark is reproduced within the disputed domain name, with the only difference between the Trade Mark and the disputed domain name being the insertion of an additional "f". Accordingly, the disputed domain name is confusingly similar to the Trade Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The addition of the letter "f" to the Trade Mark is an example of typosquatting. A domain name which consists of a common, obvious, or intentional misspelling of a trade mark 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 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 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 Complainant has not authorized the Respondent to use the Trade Mark and there is no evidence that the Respondent has ever been commonly known by the disputed domain name.

The disputed domain name is being used to host a website displaying PPC links relating to retail businesses similar to the Complainant's business and directing Internet users to competing websites. This is not a bona fide offering of goods or services which can confer rights or legitimate interests on a respondent.

[WIPO Overview 3.0](#), section 2.9.

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.

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.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Under paragraph 4(b)(iv) of the Policy, there is evidence of registration and use of the disputed domain name in bad faith where a respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's trade marks as to the source, sponsorship, affiliation or endorsement of the website.

The Panel finds it highly unlikely that the disputed domain name was registered without knowledge of the Complainant and the Trade Mark, given the typosquatting composition of the disputed domain name and the significant worldwide reputation of the Complainant. The Respondent's goal in registering and using the disputed domain name appears to be to attract Internet users for potential gain. This finding is reinforced by the Respondent's use of the website at the disputed domain name to host a website displaying PPC links which direct Internet users to competing websites and likely generate revenue for the Respondent.

In the circumstances, the use of a privacy service further supports an inference of bad faith. [WIPO Overview 3.0](#), section 3.6.

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 <carreffour.online> be transferred to the Complainant .

/Rebecca Slater/

Rebecca Slater

Sole Panelist

Date: December 11, 2024