

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Sophia Sophia
Case No. D2024-4699

1. The Parties

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

The Respondent is Sophia Sophia, United States of America (“US”).

2. The Domain Name and Registrar

The disputed domain name <carrefour-mall.vip> is registered with Dominet (HK) Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 14, 2024. On November 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 15, 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 (REDACTED FOR PRIVACY, Sophia) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 15, 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 18, 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 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 10, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 12, 2024.

The Center appointed Mehmet Polat Kalafatoğlu as the sole panelist in this matter on December 17, 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, Carrefour SA, is one of the well-known and worldwide leaders in the retail business. As the record shows, the Complainant operates more than 14,000 stores in more than 40 countries worldwide and employs more than 300,000 employees worldwide. The Complainant also offers travel, banking, insurance, and ticketing services.

The Complainant owns hundreds of trademark registrations in different jurisdictions consisting of the word CARREFOUR, including:

- International Trademark Registration CARREFOUR No. 351147, registered on October 2, 1968, under the priority of French trademark No. 238949 registered on January 7, 1965, duly renewed and designating Benelux, Spain, Italy, and Monaco for goods in classes 1 to 34;
- International Trademark Registration CARREFOUR No. 353849, registered on February 28, 1969, under the priority of French trademark No. 747725 registered on September 27, 1968, duly renewed and designating several countries for services in classes 35 to 42; and

The Complainant also has a registered trademark in the US where the Respondent is located: the CARREFOUR trademark with registration number 6763415, registered on June 21, 2022, for services in class 35.

In addition, several prior UDRP decisions recognized that the CARREFOUR trademark is well-known (including, *Carrefour SA v. sdds sdd, wssfswefoiifnd*, WIPO Case No. [D2023-4550](#); *Carrefour SA. v. Jessica van Mierlo*, WIPO Case No. [D2023-4560](#); *Carrefour SA v. Heroux Marcel*, WIPO Case No. [D2024-0227](#); *Carrefour SA v. Ricardo Pinto*, WIPO Case No. [D2024-1051](#)).

The Complainant notes that it owns several domain names incorporating its CARREFOUR trademark, such as the domain name <carrefour.com> registered on October 25, 1995.

The disputed domain name was registered on October 21, 2024. At the time of filing the Complaint, the disputed domain name was not resolving to an active website. However, the evidence submitted by the Complainant shows that it previously resolved to a website displaying clearly the Complainant's logo, the CARREFOUR trademark, and, apparently, a photo of one of the Complainant's hypermarkets.

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 it is a worldwide leader in retail and a pioneer of the concept of hypermarkets back in 1968. The Complaint notes that its earlier trademarks CARREFOUR enjoy a wide-spread and continuous reputation, which is also confirmed by several dozen prior UDRP decisions. The Complainant's contentions can be summarized as follows.

Firstly, the Complainant submits that the disputed domain name is highly similar to the earlier well-known trademark CARREFOUR as it fully incorporates its CARREFOUR trademark associated with the term "mall". According to the Complainant, such an additional term does not discard the confusing similarity between the disputed domain name and the CARREFOUR trademark. On the contrary, this term, which is related to the Complainant's business, increases the likelihood of confusion.

Secondly, the Complainant states that there is no evidence showing that the Respondent is commonly known by the disputed domain name; it has not authorized the use of its trademark or terms similar thereto in the disputed domain name in any manner or form; the Respondent has not used or made preparations to use the disputed domain name in relation to a bona fide offering of goods or services. In addition, the Complainant submits that, at the time of the Complaint, the disputed domain name redirects to an error page. However, prior to the submission of the Complaint, the disputed domain name was resolving to a website reproducing the Complainant's famous logo and trademark.

Thirdly, considering the reputation and well-known nature of the CARREFOUR trademark, the Complainant, inter alia, contends that it is inconceivable that the Respondent ignored the Complainant or its earlier trademark rights and the Respondent had the Complainant's name and trademark in mind when registering the disputed domain name. The Complainant claims that its trademark registrations significantly predate the registration date of the disputed domain name, and the Respondent registered the disputed domain name to attract Internet users by creating a likelihood of confusion with the Complainant's earlier trademarks. In addition, the Complainant asserts that the current non-use of the disputed domain name does not prevent a finding of bad faith under the doctrine of passive holding. Finally, the Complainant claims that the previous use of the disputed domain name is clear evidence of registration and use in bad faith.

B. Respondent

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

6. Discussion and Findings

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 entirety of the mark is reproduced 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 addition of other terms here, "mall" preceded by a hyphen, may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 1.8.

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.

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.

In particular, the Complainant sufficiently established that the disputed domain name is not being used in connection with a bona fide offering of goods or services, and the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. The Complainant affirmed that it did not authorize the Respondent to use the CARREFOUR trademark. There is no evidence in the record suggesting that the Respondent is commonly known by the disputed domain name. Moreover, the Complainant provided a screenshot regarding the previous use of the disputed domain name. This screenshot clearly shows that the disputed domain name was resolving to a website displaying the Complainant's logo, the CARREFOUR trademark, and, apparently, a picture of a CARREFOUR hypermarket. Therefore, the Panel concludes that this website created the false impression to be operated by or at least associated with the Complainant. The Panel finds that such use cannot be considered as a bona fide use of a domain name under the UDRP.

Considering the above, 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 and 3.2.2.

In the present case, the Panel finds that the Respondent most likely knew of the Complainant and its well-known CARREFOUR trademark when registering the disputed domain name. The Panel notes that the Respondent registered the disputed domain name long after the registration of the CARREFOUR trademark and the disputed domain name is confusingly similar to the Complainant's well-known CARREFOUR trademark. The Panel also finds that the disputed domain name fully incorporates the Complainant's well-known trademark with the addition of the descriptive term "mall" that corresponds directly to the Complainant's area of business. In the Panel's view, the previous use of the disputed domain name further indicates that the Respondent was aware of the Complainant and its well-known trademark, and it targeted the Complainant when registering the disputed domain name. Considering also the absence of the Respondent's rights to or legitimate interests in the disputed domain name, the Panel finds that the Respondent registered the disputed domain name in bad faith.

The Panel also finds that the mere registration of the disputed domain name that is confusingly similar to the well-known CARREFOUR trademark by the Respondent, who has no affiliation with the Complainant, creates a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

In addition, the Panel notes that prior to the filing of the Complaint, the disputed domain name was resolving to a website, creating the false impression to be operated by or at least affiliated with the Complainant. Therefore, the Panel finds that the Respondent's intent was to mislead Internet users to its website.

Finally, panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and the international reputation of the Complainant's trademark, the composition of the disputed domain name, and the Respondent's failure to respond to the Complaint. Therefore, the Panel finds that in the circumstances of this case, the current passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Based on the available record, the Panel concludes that the disputed domain name was registered and is being used in bad faith.

Accordingly, 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 <carrefour-mall.vip> be transferred to the Complainant.

/Mehmet Polat Kalafatoglu/

Mehmet Polat Kalafatoglu

Sole Panelist

Date: December 31, 2024