

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Hakim Abdullah, Allah
Case No. D2024-5321

1. The Parties

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

The Respondent is Hakim Abdullah, Allah, South Africa.

2. The Domain Name and Registrar

The disputed domain name <cliente-carrefourpass.com> 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 December 27, 2024. On December 27, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 30, 2024, the Registrar transmitted by email to the Center its verification response disclosing the registrant and contact information for the disputed domain name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on January 3, 2025, 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 January 6, 2025.

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 January 10, 2025. In accordance with the Rules, paragraph 5, the due date for the Response was January 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 3, 2025.

The Center appointed Zeynep Yasaman as the sole panelist in this matter on February 6, 2025. 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, listed on the index of the Paris Stock Exchange (CAC 40), is a well-known multinational retail company operating more than 12,000 stores across more than 30 countries. Additionally, the Complainant offers services in travel, banking, insurance, and ticketing.

The Complainant is the owner of numerous trademarks registered in various jurisdictions, including:

- French trademark CARREFOUR no. 1565338, registered on May 25, 1990, covering classes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, and 34.
- French trademark CARREFOUR PASS no. 99780481, registered on August 27, 1999, in class 36.
- International trademark CARREFOUR no. 563304, registered on November 6, 1990, covering classes 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42.
- International trademark CARREFOUR PASS no. 719166, registered on August 18, 1999, in class 36.
- European Union trademark CARREFOUR no. 008779498, registered on July 13, 2010, in class 35.
- United States of America trademark CARREFOUR no. 6763415, registered on June 21, 2022, in class 35.
- Brazil trademark CARREFOUR PASS no. 821744739, registered on August 2, 2005, in class 36.

The Complainant operates websites under various domain names, including:

- <carrefour.com> (registered on October 25, 1995)
- <carrefour.fr> (registered on June 23, 2005)
- <carrefourpass.com> (registered on May 31, 2010)
- <carrefourpass.net> (registered on October 16, 2013)

The Complainant also promotes its products and services on social media, with:

- 11 million followers on Facebook
- 6.2 million likes on TikTok
- 749K followers on Instagram

The disputed domain name <cliente-carrefourpass.com> was registered on November 21, 2024. The website associated with the disputed domain name cannot be reached by the Panel as it currently resolves to an error page, which the Complainant also asserted at the moment of filing the Complaint.

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 argues that the disputed domain name is highly similar to, and creates a confusing similarity with, the earlier CARREFOUR trademark, in which the Complainant has established its rights. The Complainant contends that the disputed domain name includes the earlier CARREFOURPASS and CARREFOUR trademarks, differing only on the word "cliente" and a hyphen. The Complainant further

asserts that the word “cliente”, which is the feminine of the French word “client”, increases the risk of confusion in the mind of average Internet users as it is directly linked to the Complainant’s commercial activities.

On the other hand, the Complainant contends that the Respondent has no rights or legitimate interests on the disputed domain name for the following reasons: the Respondent has never been authorized by the Complainant to use the CARREFOURPASS or CARREFOUR trademarks in any manner; the Respondent does not own any trademark containing the terms “carrefourpass” or “carrefour”; there is no evidence showing that the Respondent is commonly known by the disputed domain name; the Respondent has not, before the filing of the Complaint, used or made preparations to use the disputed domain name in relation to a bona fide offerings of goods or services, on the contrary the disputed domain name resolves to an error page.

Lastly, the Complainant asserts that the disputed domain name was registered and is being used in bad faith.

Regarding the registration in bad faith, the Complainant argues that due to the worldwide notoriety of the Complainant, the anteriority of the trademarks, the composition and the complexity of the disputed domain name, the similarity of the disputed domain name with the Complainant’s trademark is not a coincidence and the Respondent registered the disputed domain name with the Complainant’s trademark in mind. Therefore, it is highly likely that the Respondent was aware of the CARREFOURPASS and CARREFOUR trademarks at the time of registration and deliberately chose the term “carrefour pass” to suggest an affiliation with the Complainant, mislead Internet users, and unfairly benefit from the Complainant’s reputation. Furthermore, the Complainant argues that the Respondent registered the disputed domain name either to resell it to the Complainant at a later stage or to prevent the Complainant from using it.

Regarding the use in bad faith, the Complainant contends that the inactivity of the website under the disputed domain name can be qualified as bad faith use, particularly when the disputed domain name is identical to an anterior trademark. Moreover, the Complainant argues that by reproducing the Complainant’s trademark in the disputed domain name, the Respondent strengthens the impression of affiliation with the Complainant. Given the notoriety of the Complainant’s trademarks, the Respondent cannot use the disputed domain name in good faith in the future. According to the Complainant, the fact that the Respondent’s website is still inactive strengthens the assumption that the Respondent registered and used the disputed domain name to disturb the Complainant’s activities or to resell it.

B. Respondent

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

6. Discussion and Findings

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.

Where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case (WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 1.2.1). In the present case, the Panel notes that the Complainant owns several registered CARREFOUR and CARREFOUR PASS trademarks. Accordingly, the Complainant has established rights in a trademark or service mark for the purposes of the Policy.

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. While each case is judged on its own merits, in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing ([WIPO Overview 3.0](#), section 1.7).

The Panel notes that the disputed domain name <cliente-carrefourpass.com> entirely reproduces the Complainant's CARREFOUR PASS trademark, preceded by a hyphen and the term "cliente", which is the feminine form of the word "client" in French. It is well established by panels applying the Policy that 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. Similarly, the applicable generic Top-Level Domain ("gTLD") in a domain name (e.g., ".com") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test (*H & M Hennes & Mauritz AB v. Donnie Lewis*, WIPO Case No. [D2017-0580](#)). Therefore, while the addition of the term "cliente" and a hyphen, may bear on the 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). Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademarks for the purposes of the Policy.

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. These are as follows:

- (i) before any notice of the dispute, the respondent's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
- (ii) the respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if the respondent has acquired no trademark or service mark rights; or
- (iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

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 that 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 clearly established that the Respondent is neither affiliated with the Complainant nor authorized or licensed to use the CARREFOUR PASS trademark or register the disputed domain name. Moreover, there is no evidence indicating that the Respondent is commonly known by the disputed domain name.

Where a domain name consists of a trademark plus an additional term (at the Second- or Top-Level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner ([WIPO Overview 3.0](#), section 2.5.1). In this regard, the Panel considers that the composition of the disputed domain name, which entirely incorporates the Complainant's trademark CARREFOUR PASS with the addition of the term "cliente", creates the impression of an affiliation with the Complainant and, therefore cannot constitute fair use.

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:

(i) circumstances indicating that respondent has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the domain name; or

(ii) that 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 respondent has engaged in a pattern of such conduct; or

(iii) that respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) that by using the domain name, respondent has intentionally attempted to attract, for commercial gain, Internet users to respondent's website or other on-line location, by creating a likelihood of confusion with complainant's mark as to the source, sponsorship, affiliation, or endorsement of respondent's website or location or of a product or service on respondent's website or location.

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 available record, the Panel notes that the Complainant's trademark enjoys a worldwide reputation. It has been established in previous UDRP decisions that the registration of a domain name incorporating a widely-recognized or well-known trademark by a third party who has no connection with the trademark is a clear indication of bad faith (see *Pepsico, Inc. v. Domain Admin*, WIPO Case No. [D2006-0435](#); *Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#)). In light of this, the Panel concludes that the Respondent was aware of the Complainant's well-known trademark at the time of registration and that the disputed domain name was registered in bad faith by the Respondent.

Furthermore, although the disputed domain name does not resolve to an active website, panels applying the UDRP 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. Factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of

actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put ([WIPO Overview 3.0](#), section 3.3.). In the present case, considering the reputation of the Complainant's trademark, the composition of the disputed domain name, the Respondent's failure to submit a response, and the provision of incomplete and false contact details (such as listing the organization name as "Allah", meaning "God", and omitting a complete postal address), the Panel considers that the passive holding of the disputed domain name does not preclude a finding of bad faith under the Policy.

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 <cliente-carrefourpass.com> be transferred to the Complainant.

/Zeynep Yasaman/

Zeynep Yasaman

Sole Panelist

Date: February 19, 2025