

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Milen Radumilo

Case No. DCO2022-0103

1. The Parties

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

The Respondent is Milen Radumilo, Romania.

2. The Domain Name and Registrar

The disputed domain name <carrefourcatalogue.co> 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 22, 2022. On November 22, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 1, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on December 2, 2022 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 December 2, 2022.

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 December 6, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 26, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 4, 2023.

The Center appointed Felipe Claro as the sole panelist in this matter on January 16, 2023. 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 worldwide leader in retail since 1968. With a turnaround of EUR 76 billion in 2018, the Complainant is listed on the index of the Paris Stock Exchange (CAC 40). The Complainant operates more than 12.000 stores in more than 30 countries worldwide. With more than 384,000 employees worldwide and 1.3 million daily visitors in its stores, the Complainant is a major and well-known worldwide leader in retail. The Complainant additionally offers travel, banking, insurance or ticketing services.

The Complainant owns several trademarks and domain names containing the famous CARREFOUR word, including, amongst others, International trademark CARREFOUR No. 351147, registered on October 2, 1968, renewed, and designating goods in international classes 1 to 34.

The disputed domain name was registered on October 7, 2022, and resolves to a parking page offering pay-per-click ("PPC") links.

5. Parties' Contentions

A. Complainant

The Complainant owns several trademarks and domain names containing the famous CARREFOUR word. The Respondent does not have rights or legitimate interests in the disputed domain name, and the Respondent has registered and used the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

In view of the lack of a response filed by the Respondent as required under paragraph 5 of the Rules, this proceeding has proceeded by way of default. Hence, under paragraphs 5(e), 14(a) and 15(a) of the Rules, the Panel is directed to decide this administrative proceeding based on the Complainant's undisputed representations. In that regard the Panel makes the following specific findings.

A. Identical or Confusingly Similar

The Complainant owns several hundred trademark rights worldwide in the CARREFOUR term. The Complainant is the owner of the following trademarks:

- International trademark CARREFOUR No. 351147, registered on October 2, 1968, renewed, and designating goods in international classes 1 to 34;
- International trademark CARREFOUR No. 353849, registered on February 28, 1969, renewed and designating services in international classes 35 to 42.

The trademarks CARREFOUR enjoy a worldwide reputation, as stated by different decisions: "CARREFOUR is a well-known trademark in France and elsewhere" *Carrefour v. Contact Privacy Inc. Customer 0155401638 / binya rteam*, WIPO Case No. [D2019-2895](#); "The mere registration of a domain name that is confusingly similar to a famous trademark (...). The Trademarks are well-known trademarks" *Carrefour v. Perfect Privacy, LLC / Milen Radumilo*, WIPO Case No. [D2019-2610](#).

The disputed domain name is confusingly similar to the trademark CARREFOUR. The disputed domain name includes the earlier trademark CARREFOUR in a predominant position, followed by the term “catalogue”, which refers to a possible source of products, and the country code Top-Level-Domain (“ccTLD”) “.co” for Colombia.

The addition of the term “catalogue” does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s trademark. See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([WIPO Overview 3.0](#)).

The ccTLD “.co” is not significant in determining whether the disputed domain name is identical or confusingly similar to the trademarks of the Complainant because it is viewed as a standard registration requirement.

In many previous UDRP decisions, Panels considered that the incorporation of a well-known trademark in its entirety may be sufficient to establish that the disputed domain name is identical or confusingly similar to the Complainant’s trademark. See for example *Carrefour v. Contact Privacy Inc. Customer 0152812191 / Milen Radumilo, Milen Radumilo*, WIPO Case No. [D2019-0670](#).

Therefore, this Panel finds the disputed domain name is confusingly similar to the Complainant’s trademarks.

B. Rights or Legitimate Interests

The Respondent is unknown as “Carrefour” at the time of filing the Complaint.

The Complainant performed Internet searches and found no CARREFOUR trademarks owned by any other person than the Complainant. The Respondent has acquired no CARREFOUR trademark which could have granted the Respondent rights in the disputed domain name.

There is no evidence that the Respondent has been commonly known by the disputed domain name as an individual, business, or other organization.

The Respondent incorporates the Complainant’s earlier registered trademarks CARREFOUR in the disputed domain name without any license or authorization from the Complainant, which evidences the lack of legitimate interest.

The Respondent has not used or made preparations to use the disputed domain name in relation to any *bona fide* offering of goods or services. On the contrary, the disputed domain name resolves to a parking page with PPC commercial links. The use of PPC advertisements through the disputed domain name cannot constitute a *bona fide* offering of goods or services through the disputed domain name by the Respondent. See *Golden Bison Consolidated, LLC v. Registration Private, Domains By Proxy, LLC / Scott Sullivan*, WIPO Case No. [D2022-1739](#).

In addition, the disputed domain name appears to be offered for sale. The fact that the Respondent is actively trying to make commercial gains of the reproduction of the Complainant’s trademark evidences the lack of rights or legitimate interests in the disputed domain name.

The burden of production is on the Respondent to establish the Respondent’s rights or legitimate interests the Respondent may have or have had in the disputed domain name. The Respondent did not submit any response.

Therefore, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

It is unlikely that the Respondent ignored the Complainant or its earlier rights on the well-known mark CARREFOUR.

The Complainant enjoys a long-lasting worldwide reputation, which has been established by Panels for years. See for example *Carrefour v. rabie nolife*, WIPO Case No. [D2019-0673](#); *Carrefour v. Jane Casares, NA*, WIPO Case No. [D2018-0976](#); *Carrefour v. WhoisGuard, Inc., WhoisGuard Protected v. Robert Jurek, Katrin Kafut, Purchasing clerk, Starship Tapes & Records*, WIPO Case No. [D2017-2533](#); *Carrefour v. Tony Mancini, USDIET Whoisguard, Inc.*, WIPO Case No. [D2015-0962](#); *Carrefour v. VistaPrint Technologies Ltd.*, WIPO Case No. [D2015-0769](#); *Carrefour v. Park KyeongSook*, WIPO Case No. [D2014-1425](#); *Carrefour v. Yujinhua*, WIPO Case No. [D2014-0257](#); *Carrefour v. Karin Krueger*, WIPO Case No. [D2013-2002](#); *Carrefour S.A. v. Patrick Demestre*, WIPO Case No. [D2011-2248](#); *Carrefour v. groupe carrefour*, WIPO Case No. [D2008-1996](#); *Carrefour SA v. Eric Langlois*, WIPO Case No. [D2007-0067](#).

The Respondent had the Complainant's trademark in mind when registering the disputed domain name. The Respondent's choice of the disputed domain name cannot have been accidental and must have been influenced by the fame of the Complainant and its earlier trademarks. A search on an online search engine shows results only related to the Complainant. The Respondent knew or should have known that, when acquiring and using the disputed domain name, it would do so in violation of the Complainant's earlier rights.

The Respondent expected that Internet users searching for the Complainant's services and products would come across the Respondent's site. The disputed domain name does not provide a legitimate interest or *bona fide* use under the Policy. See *Shaw Industries Group Inc. & Columbia Insurance Company v. Administrator, Domain*, WIPO Case No. [D2007-0583](#); citing *Express Scripts, Inc. v. Windgather Investments Ltd/ Mr. Cartwright*, WIPO Case No. [D2007-0267](#).

The Respondent acquired and is using the disputed domain name to attract Internet users by creating a likelihood of confusion with the Complainant's earlier marks.

The Complainant's CARREFOUR trademark registrations significantly predate the registration date of the disputed domain name. In this regard, previous UDRP panels have established that knowledge of the Complainant's intellectual property rights, including trademarks, at the time of registration of the disputed domain name, proves bad faith registration. A quick CARREFOUR trademark search would have revealed to the Respondent the existence of the Complainant and its trademarks. The Respondent's failure to do so proves its bad faith (*Lancôme Parfums Et Beaute & Cie, L'oreal v. 10 Selling*, WIPO Case No. [D2008-0226](#)).

The Complainant's fame and notoriety is also evidenced on the Internet. The Complainant's Facebook page is currently "liked" by more than 11 million Internet users.

The Complainant is also the owner of numerous domain names identical to its CARREFOUR trademarks, both within gTLD and ccTLD. The domain name <carrefour.com> has been registered since 1995.

The disputed domain name resolves to a website with PPC links. The Panel finds that such use does not represent a *bona fide* offering where such links compete with or capitalize on the reputation and goodwill of the Complainant's mark or otherwise mislead Internet users. Furthermore, the disputed domain name appears to be offered for sale. The fact that the Respondent is actively trying to make commercial gain of the reproduction of the Complainant's famous trademark proves that the disputed domain name was registered and is used in bad faith.

Therefore, the Panel finds that the disputed domain name has been registered and is being used in bad faith.

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 <carrefourcatalogue.co> be transferred to the Complainant.

/Felipe Claro/

Felipe Claro

Sole Panelist

Date: January 30, 2023