

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. Bao Bao Liu, Sui Yuan
Case No. DCO2023-0017

1. The Parties

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

The Respondent is Bao Bao Liu, Sui Yuan, China.

2. The Domain Name and Registrar

The disputed domain name <carrefourshop.co> 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 February 28, 2023. On February 28, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 1, 2023, 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 March 2, 2023, 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 March 3, 2023.

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 March 8, 2023. In accordance with the Rules, paragraph 5, the due date for Response was March 28, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 30, 2023.

The Center appointed Jonathan Agmon as the sole panelist in this matter on April 6, 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 well-known leader in retail of hypermarkets since 1968 and is based in France. In 2019, the Complainant was listed on the index of the Paris Stock Exchange. The Complainant currently operates more than 12,000 stores in more than 30 countries, employs 321,000 employees around the world, and has 1.3 million unique daily visitors to its online stores.

The Complainant is the owner of trademark registrations worldwide in the CARREFOUR mark, including but not limited to:

- International Trademark Registration No. 351147, for CARREFOUR, registered on October 2, 1968;
- International Trademark Registration No. 353849, for CARREFOUR, registered on February 28, 1969; and
- China Trademark Registration No. 789820, for , registered on November 7, 1995.

The Complainant also states that it registered the domain name <carrefour.com> on October 25, 1995.

The disputed domain name was registered on February 10, 2023. At the time of filing the Complaint, the disputed domain name resolved to an online store displaying the Complainant's CARREFOUR trademark, and currently does not resolve to any active website.

5. Parties' Contentions

A. Complainant

The Complainant argues that the disputed domain name is confusingly similar to the Complainant's registered CARREFOUR mark as the Respondent has intentionally registered a confusingly similar domain name that incorporates the Complainant's mark in its entirety. The Complainant also argues that the Respondent lacks any legitimate rights in the mark or in the disputed domain name as it has not licensed or permitted the Respondent to use any of its trademarks or register the disputed domain name and that the Respondent registered and continues to use the disputed domain name in bad faith.

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.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. The Complainant has provided evidence that it owns the CARREFOUR registered trademark.

The disputed domain name comprises the Complainant's CARREFOUR mark in its entirety with the suffix "shop" and the Top-Level Domain ("TLD") ".co". It is well established that where the 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. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8.

Further, it is well established that the adding of the TLD ".co", as a standard registration requirement, is disregarded under the first element confusing similarity test (see [WIPO Overview 3.0](#), section 1.11.1).

Therefore, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights and the element under paragraph 4(a)(i) of the Policy is satisfied.

B. Rights or Legitimate Interests

Once the complainant establishes a *prima facie* case that the respondent lacks rights or legitimate interests in the disputed domain name, the burden of production shifts to the respondent to show that it has rights or legitimate interests in respect to the disputed domain name (see [WIPO Overview 3.0](#), section 2.1).

In the present case, the Complainant has demonstrated *prima facie* that the Respondent lacks rights or legitimate interests in respect of the disputed domain name and the Respondent has failed to assert any such rights or legitimate interests.

The Complainant has provided evidence that it owned trademark registrations of the CARREFOUR mark long before the date that the disputed domain name was registered and that it is not affiliated with nor has it licensed or otherwise permitted the Respondent to use the Complainant's trademark (see *LEGO Juris A/S v. DomainPark Ltd, David Smith, Above.com Domain Privacy, Transure Enterprise Ltd, Host master*, WIPO Case No. [D2010-0138](#)). The Complainant has also provided evidence that the Respondent is not commonly known by the disputed domain name (see [WIPO Overview 3.0](#), section 2.3), and the disputed domain name resolved to an active website which displayed the Complainant's CARREFOUR trademark and appeared to offer retail services.

In addition, even where a domain name consists of a trademark plus an additional term, panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner (see [WIPO Overview 3.0](#), section 2.5.1). In the present case, the evidence submitted by the Complainant suggests that the Respondent has registered a domain name, which incorporates the Complainant's trademark in its entirety plus an additional descriptive term related to the Complainant's area of business, which the Panel finds, is an attempt to falsely suggest an affiliation with the Complainant. This Panel finds that such use of the disputed domain name is not considered fair use.

Further, the Respondent did not submit a Response in the present case and did not provide any explanation or evidence to show rights or legitimate interests in the disputed domain name which would be sufficient to rebut the Complainant's *prima facie* case.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The complainant must show that the respondent registered and is using the disputed domain name in bad faith (Policy, paragraph 4(a)(iii)). Paragraph 4(b) of the Policy provides circumstances that may evidence bad faith under paragraph 4(a)(iii) of the Policy.

The Complainant has submitted evidence that the Respondent registered the disputed domain name long after the Complainant registered its CARREFOUR trademark. Given that the notoriety of the Complainant's mark in the field of retail, and the fact that the Complainant's trademarks have been registered for a long time, it is highly unlikely that the Respondent did not know of the Complainant and its CARREFOUR mark prior to the registration of the disputed domain name. The disputed domain name incorporates the

Complainant's CARREFOUR mark in its entirety with the additional suffix "shop" and the TLD ".co", which given the circumstances of this case, the Panel finds shows that the Respondent was aware of the Complainant and its trademark. Previous UDRP panels have ruled that in such circumstances "a likelihood of confusion is presumed, and such confusion will inevitably result in the diversion of Internet traffic from the Complainant's site to the Respondent's site" (see *Edmunds.com, Inc v. Triple E Holdings Limited*, WIPO Case No. [D2006-1095](#)).

The Complainant has also submitted evidence that the disputed domain name resolved to an active website which appeared to offer retail services that competed with the Complainant's business. The CARREFOUR mark appeared on the top left corner of the homepage of the website under the disputed domain name. The evidence shows that the Respondent targeted the Complainant and its marks, registered the disputed domain name with sight and knowledge of the Complainant's marks and used it to offer goods in an online store under the Complainant's trademark. The Respondent has used the Complainant's trademark to attract Internet users to its own website, misleading Internet users by suggesting the website was operated by the Complainant. The fact that the disputed domain name does not currently resolve to an active website does not prevent a finding of bad faith.

The Respondent did not submit a Response in this proceeding which is a further indication of the Respondent's bad faith, which was considered by the Panel.

Based on the evidence presented to the Panel, including the confusing similarity between the disputed domain name and the Complainant's marks, the fact that the disputed domain name was used to direct Internet users to a website which offered competing services, the fact that no Response was submitted by the Respondent in response to the Complaint, the Panel draws the inference that the disputed domain name was 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 <carrefourshop.co> be transferred to the Complainant.

/Jonathan Agmon/
Jonathan Agmon
Sole Panelist
Date: April 21, 2023