

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. 即可工
Case No. DCO2024-0057

1. The Parties

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

The Respondent is 即可工, China.

2. The Domain Name and Registrar

The disputed domain name <carrefourmall.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 August 6, 2024. On August 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 6, 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, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 9, 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 August 9, 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 August 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 5, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 9, 2024.

The Center appointed María Alejandra López García as the sole panelist in this matter on September 18, 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 Carrefour, a French worldwide leader company in retail and a pioneer of the concept of hypermarkets back in 1968. With a revenue of EUR 83 billion in 2022, 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, has more than 384,000 employees worldwide and 1.3 million daily unique visitors in its stores. The Complainant additionally offers travel, banking, insurance, or ticketing services.

The Complainant's Facebook page has more than 11 million of followers.

The Complainant owns several registered trademarks across multiple jurisdictions, including among many others, the following ones:

- International trademark for CARREFOUR (word mark), Reg. No. 351147, registered on October 2, 1968, in force until October 2, 2028, and in International Classes ("ICs") from 1 to 34.
- International trademark for CARREFOUR (word mark), Reg. No. 353849, registered on February 28, 1969, in force until February 28, 2029, and in ICs from 35 to 42.
- European Union Intellectual Property Office trademark for CARREFOUR (word mark), Reg. No. 5178371, registered on August 30, 2007, in force until June 20, 2026, and in ICs 9, 35, and 38.

The Complainant also owns numerous domain names identical to, or comprising, its trademarks, both within generic and country code Top-Level Domains, *i.e.*: <carrefour.com> registered since October 25, 1995; <carrefour.fr> registered since June 23, 2005; <carrefourmarket.fr> registered since August 16, 2007; <carrefourbanca.it> registered on June 7, 2011; <pass-carrefour.com> registered on October 6, 2019.

The disputed domain name <carrefourmall.co> was registered on July 8, 2024, and resolved to an inactive website which displayed the message "This site can't be reached". By the time of this Decision resolves to a landing page with no active content displaying the message "Error Code 522 – Connection Timed Out".

The Respondent is apparently an individual located in China.

The Panel notes that CARREFOUR enjoys strong international reputation, is highly distinctive and a well-known trademark, strength conditions that have been recognized by previous panels along the years already, as in *e.g.*,: *Carrefour S.A. v. Damian Macafee*, WIPO Case No. [D2002-1060](#); *Carrefour, S.A., Viajes Carrefour S.L. v. Pablo Iglesias Junco*, WIPO Case No. [D2008-1040](#); *Carrefour SA v. 李骏 (Li Jun)*, WIPO Case No. [D2021-1535](#); *Carrefour SA. v. Reliant-web Domain Admin / Jean Marie Grolleau / Joanne Elvert*, WIPO Case No. [D2021-2389](#); *Carrefour SA v. Sui Yuan, Bao Bao Liu*, WIPO Case No. [D2023-3003](#).

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 its CARREFOUR well-known trademark.

The Complainant contends that the Respondent should be considered as having no rights or legitimate interests in respect of the disputed domain name, given that 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 has no kind of authorization to use the Complainant's CARREFOUR trademark as a domain name; the Respondent's non active use of the disputed domain name constitutes passive holding, which is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use.

The Complainant contends that the disputed domain name was registered and is being used in bad faith, given that the Complainant and its trademarks predate significantly the registration of the disputed domain name, and are widely well-known, which make inconceivable that the Respondent ignored the Complainant or its earlier rights; that the non-use of a domain name (including a blank or error page) does not prevent a finding of bad faith under the doctrine of passive holding.

B. Respondent

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

6. Discussion and Findings

As per paragraph 4(a) of the Policy, the Complainant must prove that:

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

The Complainant must meet these requirements despite the Respondent's default. In this case, no Response or any kind of communication has been submitted by the Respondent, despite the provided opportunity in accordance with paragraph 2(a) of the Rules. Therefore, this Panel shall analyze the evidence submitted by the Complainant and decide this dispute under the "balance of probabilities" or "preponderance of the evidence" standard. See, paragraphs 14 and 15(a) of the Rules, and WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.2.

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 3.0](#), section 1.7.

The Complainant has shown rights across multiple jurisdictions in respect of the trademark and service mark CARREFOUR for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the Complainant's trademark CARREFOUR is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other term here, "mall" 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 Complainant's CARREFOUR trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

In relation to the country code Top-Level Domain ".co", it is well established that such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark, as it is a technical requirement of registration. [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

According to the evidence submitted by the Complainant and considering the absence of any communication or Response by the Respondent, also considering the below factors, this Panel determines that the Complainant has established an un rebutted prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. To this Panel, it is clear that:

- (1) the Respondent purposely selected a well-known trademark as CARREFOUR which has also been registered in multiple jurisdictions.
- (2) there is no evidence that the Respondent has become commonly known by the disputed domain name.
- (3) the Respondent is not associated or affiliated to the Complainant; the Complainant has not granted any authorization to the Respondent to use the CARREFOUR trademark in a domain name.
- (4) the Respondent's non active use of the disputed domain name constitutes passive holding, which is neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use as set out in paragraphs 4.c.(i) and (iii) of the Policy (see *Carrefour SA v. Porfirio Obando*, et al., WIPO Case No. [D2024-1518](#)).

The Panel finds the second element of the Policy has been established.

C. Registered and Used 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.

As it has been established "the mere registration of a domain name that is identical or confusingly similar... to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith". [WIPO Overview 3.0](#), section 3.1.4 and *Carrefour SA v. Domain Administrator*, See *PrivacyGuardian.org / Zhiqiang Chen*, WIPO Case No. [D2022-1851](#).

Given the international and strong reputation of the Complainant business and of its trademark CARREFOUR, to this Panel, it is almost impossible that the Respondent was unaware at the time of the registration of the disputed domain name, about the value involved, therefore, this Panel finds that it was done with the Complainant in mind, meaning in bad faith. [WIPO Overview 3.0](#), section 3.2.2 and *Carrefour SA v. Sui Yuan, Bao Bao Liu*, WIPO Case No. [D2023-3003](#).

The current use of the disputed domain name which resolves to a landing page with the message "Error Code 522 – Connection Timed Out", in this case to this Panel, it is the equivalent of an inactive website, meaning that the disputed domain name is being under passive holding by the Respondent (see *Mercado Libre, Inc. et al. v. Agustin Sego, dev*, WIPO Case No. [DPW2021-0004](#)).

Panels 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. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel notes that the following circumstances in this case, are indicative of passive holding in bad faith:

- (i) the widespread reputation, high degree of recognition and well-known status of the Complainant's trademark, and the composition of the disputed domain name, which reproduces the trademark CARREFOUR in its entirety plus an additional term (related to the Complainant's business activity);

- (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use; and
- (iii) the implausibility of any good faith use to which the domain name may be put, this is especially so where the composition of the disputed domain name is inherently misleading.

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 <carrefourmall.co> be transferred to the Complainant.

/María Alejandra López García/

María Alejandra López García

Sole Panelist

Date: September 21, 2024