

ADMINISTRATIVE PANEL DECISION

Carrefour SA v. xiansheng chen, chenxiansheng
Case No. D2022-4091

1. The Parties

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

Respondent is xiansheng chen, chenxiansheng, Singapore.

2. The Domain Names and Registrar

The disputed domain names <carrefourgr.com>, <carrefourinc.com> and <carrefourltd.com> are registered with Web Commerce Communications Limited dba WebNic.cc.¹

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 31, 2022. On October 31, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On November 1, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Domain Admin, Whoisprotection.cc) and contact information in the Complaint. The Center sent an email communication to Complainant on November 3, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on November 7, 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 Respondent of the Complaint, and the proceedings commenced on November 17, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 7, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on December 15, 2022.

The Center appointed Jeffrey M. Samuels as the sole panelist in this matter on January 4, 2023.

¹ The Panel finds that since each of the disputed domain names was registered by the same entity, pursuant to paragraph 3(c) of the UDRP Rules, it is proper for the instant Complaint to relate to more than one domain name.

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

Complainant claims to be a worldwide leader in retail and a pioneer of the concept of hypermarkets. Complainant operates more than 12,000 stores in more than 30 countries. Complainant first opened for business in 1968.

Complainant owns several hundred trademark registrations worldwide for the CARREFOUR mark, including in Respondent's location, Singapore. Complainant owns, for example, International Registrations Nos. 351147 and 353849 for the CARREFOUR trademark. These registrations were issued in 1968 and 1969, respectively. Each of the disputed domain names was registered on September 11, 2022. All the disputed domain names do not resolve to active webpages.

Complainant also owns several domain names identical to, or comprising, its CARREFOUR mark.

5. Parties' Contentions

A. Complainant

Complainant submits that each of the disputed domain name is confusingly similar to its CARREFOUR trademark. It points out that each of the disputed domain names incorporates, in full, the CARREFOUR mark. Complainant argues that the addition of the two/three-letter additions "gr," "Inc" and "Ltd" does not change the fact that Complainant's CARREFOUR mark is immediately recognizable within the disputed domain names.

Complainant next asserts that Respondent has no rights or legitimate interests in any of the disputed domain names. Complainant maintains that Respondent has not acquired any trademark rights in the CARREFOUR mark, that there is no evidence that Respondent is commonly known by any of the disputed domain names or is making a legitimate noncommercial or fair use of the disputed domain names, and that Complainant has not licensed or otherwise authorized Respondent to use the CARREFOUR mark in any of the disputed domain names.

Pointing out that each of the disputed domain names resolves to an error page, Complainant insists that Respondent is not using the disputed domain names in connection with a *bona fide* offering of goods or services. There is also no evidence that Respondent, before the filing of the Complaint, has used, or made preparations to use, the disputed domain names in relation to a *bona fide* offering of goods or services, Complainant adds.

With respect to the issue of "bad faith" registration and use, Complainant submits that Complainant and its trademarks are so widely well known that it is inconceivable that Respondent was not aware of Complainant and of its CARREFOUR trademark at the time the disputed domain names were registered. "The Respondent's choice of domain names cannot have been accidental and must have been influenced by the fame of Complainant and its earlier trademarks", Complainant declares.

Complainant further alleges that Respondent is actively engaged in a pattern of abusive domain name registrations and that, by maintaining the disputed domain names, Respondent is preventing Complainant from reflecting its trademark in the corresponding domain names.

Finally, as further evidence that each of the disputed domain names was registered in bad faith, Complainant points to Respondent's efforts to conceal its identity through the use of fanciful contact details.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel concludes that each of the disputed domain names is confusingly similar to the CARREFOUR trademark. Each of the disputed domain names incorporates in full the CARREFOUR trademark followed by other non-distinctive terms. As such, the CARREFOUR mark is clearly recognizable within each of the disputed domain names. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7 and cases cited therein.

The Panel further concludes that Complainant has rights in the CARREFOUR trademark. The case file includes copies of the above-referenced international registrations for the CARREFOUR mark, each of which is owned by Complainant. Trademark rights in the CARREFOUR mark are also established by Complainant's longstanding and widespread use of the mark in connection with hypermarkets.

B. Rights or Legitimate Interests

The Panel finds that Complainant has met its burden of proof in establishing that Respondent has no rights or legitimate interests in any of the disputed domain names. The case file supports Complainant's assertion that each of the disputed domain names resolves to an error page. Furthermore, the nature of the disputed domain names, incorporating the Complainant's widely known trademark, carries a risk of implied affiliation and cannot constitute fair use as it effectively impersonates or suggests sponsorship or endorsement by Complainant. Neither may such use of the disputed domain names that resolve to error pages be considered a use in connection with a *bona fide* offering of goods or services. See *Carrefour v. Andre Machado*, WIPO Case No. [DIO2020-0004](#).

There also is no evidence that Respondent is commonly known by any of the disputed domain names or that Respondent is making a legitimate noncommercial or fair use of any of the disputed domain names. Nor is there any evidence that Respondent was licensed by Complainant or otherwise authorized to use the CARREFOUR trademark as part of any of the disputed domain names.

C. Registered and Used in Bad Faith

The Panel holds that Respondent registered and is using each of the disputed domain names in bad faith. As previous UDRP panels have held, Complainant's CARREFOUR trademark is both distinctive and well known throughout the world. See *Carrefour SA v. hanib bas*, WIPO Case No. [D2020-1798](#); *Carrefour SA v. Reliant-web Domain Admin/Jean Marie Grolleau/Joanne Elvert*, WIPO Case No. [D2021-2389](#); *Carrefour SA v. Andre Machado, supra*. The case file also indicates that Complainant's CARREFOUR trademark has been registered in Respondent's location, Singapore. And, as previously noted, each of the disputed domain names incorporates in full the CARREFOUR trademark.

That being the case, it is clear to the Panel that Respondent, in registering each of the disputed domain names, was aware of Complainant and of its CARREFOUR trademark and was targeting Complainant at the time of the domain names registrations. As noted by Complainant, "[t]he Respondent's choice of domain names cannot have been accidental and must have been influenced by the fame of the Complainant and of its earlier trademarks. UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or well-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. (*Carrefour SA v. blackwhite, dolly Tiwari*, WIPO Case No. [D2021-0274](#))".

There is also evidence that Respondent is actively engaged in a pattern of abusive domain name registrations. Complainant cites to several other UDRP cases in which Respondent was found to have registered and used a domain name in bad faith and the domain name was transferred to the complainant. See *Centre National D'art et de Culture Georges Pompidou v. Whois Privacy Protection Service by onamae.com/xiansheng chen, chenxiansheng*, WIPO Case No. [D2022-1207](#); *Sanofi v. Whois Privacy Protection Service by onamae.com/xiansheng chen, chenxiansheng*, WIPO Case No. [D2022-1761](#); and *Educational Testing Service v. Whois Privacy Protection Service by onamae.com/xiansheng chen, chenxiansheng*, WIPO Case No. [D2021-4103](#). The Panel, therefore, finds that Respondent has registered each of the disputed domain names to prevent Complainant, as owner of the CARREFOUR trademark, from reflecting the mark in a corresponding domain name, within the meaning of paragraph 4(b)(ii) of the Policy.

The Panel also finds that Respondent attempted to conceal its identity through the use of fanciful contact details, which prevented the courier from delivering the Center's written communication. As noted by Complainant, Respondent designated "Singapore" as its street address, city, province and country and a post code that does not correspond to any valid area in Singapore.

The fact that each of the disputed domain names resolves to an error page does not prevent a finding of bad faith use. Such passive holding may still support a determination of bad faith use where, as here, the case file indicates that Complainant's CARREFOUR trademark is distinctive and well known, Respondent failed to file a response and provided false contact details, and any good faith use to which any of the disputed domain names may be put is implausible. See [WIPO Overview 3.0](#), section 3.3 and cases cited therein.

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 names <carrefourgr.com>, <carrefourinc.com> and <carrefourltd.com> be transferred to Complainant.

/Jeffrey M. Samuels/

Jeffrey M. Samuels

Sole Panelist

Date: January 13, 2023