URS | DETERMINATION
(URS Procedure 9, URS Rules 13)

URS DISPUTE NO. 7724FE41

Determination DEFAULT

I. PARTIES

Complainants: Carrefour AS (France), Atacadão - Distribuição, Comércio E Indústria LTDA (Brazil)
Complainants' authorized representative: IP Twins (France)

Respondents: Privacy Guardian (United States)

II. THE DOMAIN NAME, REGISTRY OPERATOR AND REGISTRAR

Domain Name: bras-atacadao.shop
Registry Operator: GMO Registry, Inc.
Registrar: Hostinger Operations, UAB

III. PROCEDURAL HISTORY

Complaint submitted: 12 August 2025
Lock of the domain name: 21 August 2025
Notice of Complaint: 28 August 2025
Default Date: 11 September 2025
Notice of Default: 12 September 2025
Panel Appointed: 19 September 2025
Default Determination issued: 21 September 2025

IV. EXAMINER

Examiner's Name: Nicholas Smith

The Examiner certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as the Examiner in this administrative proceeding.

V. RELIEF SOUGHT

The Complainants request that the domain name be suspended for the balance of the registration period.

The Respondent has not submitted a Response.

VI. STANDARD OF REVIEW

Clear and convincing evidence.

VII. DISCUSSIONS AND FINDINGS

A. **Complainants:**
The Complainants are related retailers from France and Brazil that use the trademark ATACADAO, in connection with wholesale and retail services, which they have registered in a number of jurisdictions.

The Complainants contend that:

1) The Domain Name is confusingly similar to the Complainants' distinctive ATACADAO mark, merely adding the geographic or commercial term "bras" and the ".shop" gTLD.

2) The Respondent has no rights or legitimate interest in respect of the Domain Name. The Respondent has not been authorized by the Complainants to use the ATACADAO mark or register any domain name incorporating the ATACADAO mark or any similar mark. The Domain Name resolves to a website offering competing retail services in Brazil under the Complainants' ATACADAO mark.

3) The Domain Name was registered and is being used in bad faith. The Respondent must have known of the Complainants at the registration date given the Respondent seeks to use the Domain Name to offer competing retail services under the ATACADAO mark. Respondent seeks to deliberately create a false impression of affiliation with Complainants as to the source, sponsorship, affiliation or endorsement of its website, which amounts to bad faith.

B. Respondent:

The Respondent did not file a Response within the required deadline.

C. Procedural findings:

Having reviewed the communications records, the Examiner finds that MFSD has discharged its responsibility under the URS Procedure paragraphs 3 and 4 and URS Rules paragraph 4.

In accordance with URS Rules Paragraph 9(d), in absence of a Response, the language of the Determination shall be English.

URS Procedure paragraph 1.1.3 states that "[o]ne Complaint is acceptable for multiple related companies against one Registrant, but only if the companies complaining are related". The Examiner is satisfied that the companies complaining are related.

D. Findings of fact:

The facts asserted by the Complainants have been supported by clear and convincing evidence and have not been contested by the Respondent.

E. Reasoning:

According to Paragraph 13 of the URS Rules, the Examiner shall make a Determination of a Complaint in accordance with the URS Procedure, the URS Rules and any rules and principles of law that it deems applicable.

The Respondent did not reply to the Complainants' contentions. However, a Respondent's failure to address the contentions does not automatically result in a decision in favor of the Complainants. The URS Procedure requires the Complainants to succeed in establishing that each of the three following conditions under Paragraph 1.2.6 of the URS Procedure are satisfied:

- That the Domain Name is identical or confusingly similar to a word mark;

- That the Respondent has no legitimate right or interest to the Domain Name;

- That the Domain Name was registered and is being used in bad faith.

1. The domain name is identical or confusingly similar to a word mark

The Complainants are the owner of registrations for the word mark ATACADAO in the European Union, France and Israel (European Union Registration No. 012020194, registered on 12 July 2013 for certain services in class 35). The word mark ATACADÃO has been registered in Brazil since 1978.

The Domain Name entirely reproduces the ATACADAO mark. The addition of the geographical term "bras-", does not prevent a finding of confusing similarity. As Bras is a well-known retail district in Sao Paulo, a location where the Complainants trade under the ATACADAO mark the additional element further reinforces the impression that the Domain Name is owned by or affiliated with the Complainants.

The Examiner finds that the Complaint meets the requirement of the URS Procedure paragraph 1.2.6 (i).

2. Respondent has no rights or legitimate interests to the domain name

The Respondent, in not formally responding to the Complaint, has failed to invoke any of the circumstances which could demonstrate, pursuant to the URS, any rights or legitimate interests in the Domain Name. Nevertheless, the burden of proof is still on the Complainants to make a *prima facie* case against the Respondent.

The Complainants asserts that they have not authorized the Respondent nor granted the Respondent a license or permission to register the Domain Name or use its trademarks. In addition, there is no evidence that the Respondent is commonly known by the Domain Name or any evidence of trademarks or trade names registered by the Respondent corresponding to the Domain Name. Finally, the Domain Name resolves to a website purporting to offer competing retail services in the Complainants' jurisdiction under the Complainants' ATACADAO mark. Absent further information, none being provided, this use is not a legitimate noncommercial or fair use, and is not in connection with a bona fide offering of goods or services.

In these circumstances and absent evidence to the contrary, the Examiner finds that the Respondent does not have rights or legitimate interests with respect to the Domain Name and that the Complaint meets the requirement of the URS Procedure paragraph 1.2.6 (ii).

3. The domain name was registered and is being used in bad faith

The Domain Name is used in connection with a website that, under the Complainants' ATACADAO mark, offers competing retail services. In the absence of any evidence from the Respondent that would establish any actual or contemplated good faith use and the implausibility of any good faith use to which the Domain Name can be put, taking into account the distinctiveness and renown of the Complainants' mark in Brazil, the Panel finds that the Respondent has intentionally attempted to attract for commercial gain Internet users to its website by creating a likelihood of confusion with the Complainants' trademark by incorporating Complainant's distinctive trademark into the Domain Name. This conduct is considered by the URS as an example of bad faith registration and use, under Paragraph 1.2.6.3 (d) of the URS Procedure

Considering all the factors in this matter, including the factors in URS Procedure paragraphs 5.8 and 5.9, the Examiner finds the Complaint meets the requirement of the URS Procedure paragraph 1.2.6 (iii).

4. Abusive Complaint

The Examiner finds that the Complaint was neither abusive nor contained material falsehoods.

VIII. DETERMINATION

A. Demonstration of URS elements

Demonstrated

B. Complaint and remedy

Complaint: Accepts

Domain Name:

Suspends for the balance of the registration period

C. Abuse of proceedings

Finding of abuse of proceedings: Not finds

D. Publication

Publication: Publish the Determination

SIGNATURE

Name: Nicholas
Surname: Smith
Date: 2025-09-21