



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

URS DISPUTE NO. 108EC6F5

Determination DEFAULT

I. PARTIES

Complainant: Carrefour AS (France)
Complainant's authorized representative: IP Twins (France)

Respondent: Domain Admin (United States of America)

II. THE DOMAIN NAME, REGISTRY OPERATOR AND REGISTRAR

Domain Name: atacadaocompra.shop
Registry Operator: GMO Registry, Inc.
Registrar: Hostinger Operations, UAB

III. PROCEDURAL HISTORY

Complaint submitted: 8 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: 22 September 2025

IV. EXAMINER

Examiner's Name: Wilson Pinheiro Jabur

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 Complainant requests 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. Complainant:

The Complainant has operated in the retail business since 1963, with more than 12,000 stores in over 30 countries, having had a turnaround of EUR 80,7 billion in 2019.

The Complainant is the owner of numerous trademark registration for the ATACADAO trademark, amongst which the European Union trademark registration No. 012020194, for the word mark ATACADAO, registered on 24 May 2015, duly renewed, and designating services in international class 35.

According to the Complainant, the disputed domain name is confusingly similar to the Complainant's prior ATACADAO trademark, with the addition of the term "compra", meaning "purchase".

Furthermore, the Complainant contends that the Respondent has no right or legitimate interest in the disputed domain name given that the Respondent is not known, as an individual or an organization, by the disputed domain name and holds no trademark rights in ATACADAO. In addition to that, the Complainant contends that the Respondent was aware of the existence of Complainant when registering the disputed domain name, given that the disputed domain name contains the Complainants' trademark entirely being therefore the likelihood of confusion presumed, which will inevitably result in the diversion of Internet traffic from the Complainant's site to the Respondent's website.

As to the Respondent's bad faith, the Complainant contends that the sole registration of a well-known trademark in a domain name is a strong indication of a Respondent's bad faith and given that several Panels recognized the well-known character of the ATACADAO trademark, e.g. WIPO Case D2025-0236, the Respondent was evidently aware of the Complainant when registering the disputed domain name, with an intention to attract for commercial gain, Internet users to the Respondent's website or other on-line location, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on the Respondent's website or location.

B. Respondent:

The Respondent did not reply to the Complaint's contentions

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.

D. Findings of fact:

The disputed domain name was registered on May 10, 2025, and presently does not resolve to an active webpage.

As seen above, the Complainant has shown trademark rights over ATACADAO.

E. Reasoning:

In spite of the Respondent's default, URS Procedure 1.2.6 requires the Complainant to make a *prima facie* case, showing clear and convincing evidence for each of the three elements so as to have the disputed domain name suspended.

1. The domain name(s) is(are) identical or confusingly similar to a word mark

The Complainant is the owner of trademark registrations for the word trademark ATACADAO in various jurisdictions.

The disputed domain name <atacadaocompra.shop> is confusingly similar to the Complainant's trademark.



As previously recognized by past panels and summarized in the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”), section 1.7 “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. This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. (This may also include recognizability by technological means such as search engine algorithms.)”.

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

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

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 disputed domain name. Nevertheless, the burden of proof is still on the Complainant to make a *prima facie* case against the Respondent.

Also, the lack of evidence as to whether the Respondent is commonly known by the disputed domain name or the absence of any trademarks or trade names registered by the Respondent corresponding to the disputed domain name, corroborate with the indication of the absence of a right or legitimate interest.

Under 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 disputed domain name and has therefore met the requirement of the URS 1.2.6 (ii).

3. The domain name(s) was(were) registered and is(are) being used in bad faith

While the disputed domain name is not presently in use, previous panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding.

The totality of the circumstances of a particular case has to be taken into account and mainly the following facts of the present dispute demonstrate bad faith on the Respondent’s side:

- (i) The degree of distinctiveness or reputation of the Complainant’s trademark – the Complainant’s ATACADAO trademark is used in various countries around the world by the Complainant;
- (ii) The failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use of the disputed domain name;
- (iii) The present inactive use of the disputed domain name; and
- (iv) The implausibility of any good faith use to which the disputed domain name may be put taking into account the Complainant’s well-known trademark being entirely reproduced in the disputed domain name.

As confirmed by WIPO Overview 3.0 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 (section 3.1.4).

Therefore, the Examiner finds that the requirements set forth under Paragraph 1.2.6.3. of the URS Procedure have been satisfied by the Complainant.

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: Wilson

Surname: Pinheiro Jabur

Date: September 22, 2025