

**DISPUTE RESOLUTION SERVICE**

**D00017261**

**Decision of Independent Expert**

Carrefour

and

service achat carrefour

**1. The Parties:**

Complainant: Carrefour  
33 avenue Emile Zola  
Boulogne Billancourt  
92100  
France

Respondent: service achat carrefour  
33 AVENUE EMILE ZOLA,  
BOULOGNE BILLANCOURT  
92100  
France

**2. The Domain Name(s):**

<carrefour.me.uk>

**3. Procedural History:**

25 March 2016 16:12 Dispute received  
29 March 2016 11:36 Complaint validated  
29 March 2016 11:40 Notification of complaint sent to parties  
15 April 2016 02:30 Response reminder sent

20 April 2016 13:55 No Response Received  
20 April 2016 14:08 Notification of no response sent to parties  
25 April 2016 15:12 Expert decision payment received

As required, I, Tony Willoughby, the Expert assigned to this case, supplied Nominet with a signed declaration confirming that I am independent of each of the parties and that to the best of my knowledge and belief, there are no facts or circumstances, past or present, or that could arise in the foreseeable future, that need be disclosed as they might be of such a nature as to call into question my independence in the eyes of one or both of the parties.

#### **4. Factual Background**

The Complainant is a very well-known French-based retailer with stores in many countries around the world. Its registered office is at 33 avenue Emile Zola Boulogne Billancourt 92100.

The Complainant trades under the name “Carrefour”, a name for which it has trade mark protection, one of its registrations being Community Trade Mark No. 005178371 CARREFOUR (word) registered on 30 August, 2007 (application filed on 20 June, 2006) for a variety of goods and services in classes 9, 35 and 38.

The Complainant has an online presence with a website connected to its domain name, <carrefour.com>, a domain name which it registered on 25 October 1995.

The Domain Name was registered on 15 February, 2016 and is connected to a Google 404 error page reading: “**404**. *That’s an error. The requested URL / was not found on this server. That’s all we know.*”

As can be seen from the Parties’ details at section 1 above the Respondent has given as its contact details for the Domain Name its name, a name featuring the name “carrefour”, and its address, the registered office address of the Complainant.

On 23 March, 2016 the Complainant’s representative sent letters to the Respondent’s registrar and to Google drawing attention to the Complainant’s rights and a situation which the Complainant perceives to be indicative of a serious threat of fraud. The purpose of the letters was to have the webpage taken down, the Domain Name blocked or suspended and exposure of the true identity of the Respondent. As at the date of the Complaint those letters do not appear to have had any effect.

## **5. Parties' Contentions**

The Complainant contends that its trading name and registered trade mark, "Carrefour", is identical or similar to the Domain Name.

The Complainant contends that the Respondent set out to impersonate the Complainant by using contact details for the Domain Name, which identify the Complainant. The Complainant contends that the Respondent's purpose in so doing can only be for the purpose of 'phishing'.

The Complainant contends that the Domain Name in the hands of the Respondent is an Abusive Registration in that the Respondent can only have registered the Domain Name with the contact details that it has in order to conduct 'phishing' at some time in the future by impersonating the Complainant.

The Respondent, unsurprisingly perhaps, has not responded to the Complaint.

## **6. Discussions and Findings**

### General

Pursuant to paragraph 2.a.i of the Policy for the Complainant to succeed in this Complaint it must prove to the Expert on the balance of probabilities that:

- I. It has Rights in respect of a name or mark which is identical or similar to the Domain Name; and
- II. The Domain Name, in the hands of the Respondent, is an Abusive Registration

"Abusive Registration" is defined in paragraph 1 of the Policy as a domain name which either:

- i. was registered or otherwise acquired in a manner which, at the time when the registration or acquisition took place, took unfair advantage of or was unfairly detrimental to the Complainant's Rights; or
- ii. has been used in a manner which has taken unfair advantage of or has been unfairly detrimental to the Complainant's Rights.

## Rights

The Complainant has demonstrated that it has registered trade mark rights in respect of its “Carrefour” brand and that the Domain Name at the third level is identical, featuring as it does the name “carrefour”.

It being permissible for the Expert to exclude from consideration the first and second levels of the Domain Name (“.me.uk”), which serve no purpose other than a technical one, the Expert finds that the name in respect of which the Complainant has rights is identical to the Domain Name.

## Abusive Registration

Paragraph 3 of the Policy sets out a number of factors, “which may be evidence that the Domain Name is an Abusive Registration.”

In light of the factual background set out in section 4 above it is only necessary to consider one of those factors, namely that to be found in paragraph 3.a.iv, “ It is independently verified that the Respondent has given false contact details to [Nominet];”

Self-evidently, the Respondent is not the Complainant and does not reside at the Complainant’s registered office; yet those are the contact details, which have been provided to Nominet. They are false<sup>1</sup>.

The Expert finds that the Domain Name is an Abusive Registration within the meaning of Paragraph 3.a.iv of the Policy.

## **7. Decision**

The Expert directs that the Domain Name be transferred to the Complainant.

**Signed: Tony Willoughby**

**Dated: 9 May, 2016**

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<sup>1</sup> To guard against the possibility that the Complainant’s annexes on this topic do not constitute “independent verification”, the Expert has been able to verify their accuracy online.