

## **ADMINISTRATIVE PANEL DECISION**

Sodexo v. Contact Privacy Inc. Customer 12411787520 /

Amanda Lee, “Sodexo”

Case No. D2022-0200

### **1. The Parties**

The Complainant is Sodexo, France, represented by Areopage, France.

The Respondent is Contact Privacy Inc. Customer 12411787520, Canada / Amanda Lee, “Sodexo”, United States of America (“United States”).

### **2. The Domain Name and Registrar**

The disputed domain name <sodexojobs.net> (the “Domain Name”) is registered with Google LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 21, 2022. On January 21, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 21, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on January 25, 2022 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 January 27, 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 the Respondent of the Complaint, and the proceedings commenced on February 7, 2022. In accordance with the Rules, paragraph 5, the due date for Response was February 27, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 28, 2022.

The Center appointed Jonas Gulliksson as the sole panelist in this matter on March 8, 2022. 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 a French company specialized in food services and facilities management and conducts business in 64 countries with approximately 420,000 employees. The Complainant is the proprietor of *i.a.* the following trademark registrations:

- International registration No. 964615 for SODEXO (figurative), registered January 8, 2008, with basic registration in France and designated, *i.a.*, the United States.
- International registration No. 1240316 for SODEXO (figurative), registered October 23, 2014, with basic registration for the European Union and designated United Kingdom, Ireland, and Mozambique.
- European Union Trade Mark No. 006104657 for SODEXO (word), registered June 27, 2008.
- European Union Trade Mark No. 008346462 for SODEXO (word), registered February 1, 2010.
- International registration No. 1195702 for SODEXO QUALITY OF LIFE SERVICES (figurative), registered October 10, 2013, with basic registration for the European Union and designated Australia, China, and the United States.

The Domain Name was registered December 22, 2021, and does not resolve to an active website.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant asserts, substantially, the following:

The Domain Name is identical or confusingly similar to the Complainant's marks SODEXO and SODEXHO in which the Complainant has rights. Confusion between the Complainant's marks and the Domain Name is particularly likely considering that the Complainant is one of the largest employers worldwide and is operating a website with job ads under the domain name <sodexojobs.co.uk>.

The Respondent has no rights or legitimate interest in respect of the Domain Name. The Respondent does not have any affiliation, association, sponsorship, or connection with the Complainant and has not been authorized, licensed, or otherwise permitted by the Complainant or by any subsidiary or affiliated company to register the concerned domain name and to use it.

The Domain Name was registered and is being used in bad faith. The sign SODEXO is purely fanciful and nobody could legitimately choose this word or any variation thereof, unless seeking to create an association with the Complainant's activities and marks. Due to the well-known character and reputation of the SODEXO / SODEXHO mark, the Respondent knew its existence when she registered the Domain Name. She perfectly knew that she had no rights or legitimate interest in the Domain Name and that she could not lawfully use it.

##### **B. Respondent**

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

## 6. Discussion and Findings

The burden for the Complainant under paragraph 4(a) of the Policy is to prove:

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

### A. Identical or Confusingly Similar

It is clearly established that the Complainant holds rights in the trademark SODEXO, registered in several countries, *i.a.* the United States, before the registration of the Domain Name.

The Domain Name incorporates the Complainant's SODEXO mark in its entirety while adding the term "jobs" and the generic Top-Level Domain ("gTLD") ".net". According to the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8, where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. Further, it is well established that ".net", as a gTLD, is typically disregarded in the assessment of the similarity between the Domain Name and the Complainant's mark (see section 1.11.1 of the [WIPO Overview 3.0](#)).

Accordingly, the Panel finds that that the Domain Name is confusingly similar to a trademark in which the Complainant has rights, in accordance with paragraph 4(a)(i) of the Policy.

### B. Rights or Legitimate Interests and Registered and Used in Bad Faith

Considering the evidence presented in this case and taking into account several previous UDRP decisions such as *SODEXO v. Super Privacy Service LTD c/o Dynadot / Zhichao*, WIPO Case No. [D2020-1762](#); *SODEXO v. Zhichao Yang* (杨智超), WIPO Case No. [D2020-2286](#); *SODEXO v. Ashutosh Dwivedi, Food & Beverages*, WIPO Case No. [D2020-2686](#) and *SODEXO v. 李金梁 (Li Jin Liang)*, WIPO Case No. D2020-3064, the Panel confirms the Complainant's assertion that its SODEXO mark is well-known.

Considering the similarities between the Domain Name and the Complainant's SODEXO mark and the Complainant's domain name <sodexojobs.co.uk>, it is clear that the Respondent had the Complainant and its SODEXO mark in mind when registering the Domain Name. In addition, the Respondent has failed to provide a reply to the Complaint. Even if the Domain Name does not presently have any active content, a passive holding of a domain name does not necessarily prevent a finding of bad faith. Moreover, in the present circumstances, the Panel finds it implausible that the Domain Name could be put to any good faith use by the Respondent. Considering what has been stated above, the Panel finds that the Domain Name was registered and used in bad faith.

The Respondent does not have any affiliation, association, sponsorship, or connection with the Complainant and has not been authorized, licensed, or otherwise permitted by the Complainant or by any subsidiary or affiliated company to register the concerned domain name and to use it. Furthermore, while the Panel notes the Domain Name was registered with registration details indicating an organization named "Sodexo" there is no evidence before the Panel to suggest that the Respondent is actually commonly known by "Sodexo" or the Domain Name, but rather such details appear intended to falsely suggest an affiliation with the Complainant. Considering this and what has been stated above regarding the Respondent's bad faith, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name.

## 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 Domain Name <sodexojobs.net> be transferred to the Complainant.

*/Jonas Gulliksson/*

**Jonas Gulliksson**

Sole Panelist

Date: March 22, 2022