

## **ADMINISTRATIVE PANEL DECISION**

SODEXO v. fei na  
Case No. D2022-3281

### **1. The Parties**

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

The Respondent is fei na, American Samoa, United States of America.

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

The disputed domain name <sodexhoalliances.website> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 2, 2022. On September 2, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 2, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 8, 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 September 9, 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 September 13, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 3, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 4, 2022.

The Center appointed 陈长杰 Jacob (Changjie) Chen as the sole panelist in this matter on October 27, 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, founded in 1966, is one of the largest companies in the world specialized in food services and facilities management, with services provided in 56 countries. The Complainant claims that for fiscal year 2021, its consolidated revenues reached EUR 17.4 billion.

The Complainant holds worldwide registrations of SODEXHO and SODEXO trademark, including No. 689106 and No. 694302 SODEXHO international trademark, registered respectively on January 28, 1998 and June 22, 1998, designating numerous jurisdictions; No.964615 and No. 1240316 SODEXO international trademark, registered respectively on January 8, 2008 and October 23, 2014, designating numerous jurisdictions; No. 008346462 and No. 006104657 SODEXO European Union trademark, registered respectively on February 1, 2010 and June 27, 2008.

According to the information disclosed by the Registrar, the Respondent is fei na, located in American Samoa, United States of America.

The disputed domain name was registered on August 17, 2022. According to the screenshot provided in the Complaint by the Complainant, the disputed domain name previously resolved to an inactive website. The disputed domain name currently resolves to a website showing the notification of “Whois verification is pending”.

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

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

The Complainant contends that the disputed domain name has an identical reproduction of its SODEXHO trademark and the almost identity with its SODEXO trademark. The addition of the term “alliances” is not sufficient to distinguish the disputed domain name from the Complainant's trademarks. Thus, the disputed domain name is confusingly similar to the Complainant's trademarks.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name since the Respondent has no rights on the SODEXHO trademark. Furthermore, the Respondent is not commonly known by the disputed domain name. In addition, the Respondent does not have any connections with the Complainant and the Complainant has not licensed or otherwise permitted the Respondent to register and use the disputed domain name incorporating its trademark. Thus, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant finally contends that the disputed domain name was registered and is being used in bad faith. The Complainant claims that its SODEXHO trademark is purely fanciful and well-known, and the Respondent had knowledge of the Complainant's trademark when registered the disputed domain name. Moreover, the Respondent does not use the disputed domain name to present any active content, and such passive holding of the disputed domain name does not prevent a finding of bad faith. Therefore, the Respondent registered and is using the disputed domain name in bad faith.

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

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

## 6. Discussion and Findings

### A. Identical or Confusingly Similar

The Complainant owns rights upon numerous registrations of SODEXHO trademark, which far predate the registration date of the disputed domain name. The Complainant has successfully established its rights upon SODEXHO trademark.

It is well established that the generic Top-Level Domain (“gTLD”) suffix “.website” as a standard registration requirement is disregarded in the assessment of the confusing similarity between the disputed domain name and the Complainant’s trademark.

The disputed domain name incorporates the Complainant’s SODEXHO trademark in its entirety. Previous UDRP decisions have established that if a complainant’s trademark is recognizable within a domain name that is sufficient to establish that the domain name is identical or confusingly similar to the complainant’s trademark. See section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”). The additional term “alliances” after the Complainant’s SODEXHO trademark does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s SODEXHO trademark. See section 1.8 of the [WIPO Overview 3.0](#).

Thus, the Panel concludes that the disputed domain name is confusingly similar to the Complainant’s SODEXHO trademark.

Accordingly, the Complainant has satisfied the first element under paragraph 4(a) of the Policy.

### B. Rights or Legitimate Interests

The Complainant has submitted evidence of its rights to the SODEXHO trademark. The Respondent is not licensed or permitted by the Complainant to use the SODEXHO trademark or to register a domain name which incorporating this trademark. Moreover, the Respondent does not have connections with the Complainant.

The Panel is satisfied that the Complainant has established *prima facie* case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name, and the burden of production shifts to the Respondent. See *International Hospitality Management - IHM S.p.A. v. Enrico Callegari Ecostudio*, WIPO Case No. [D2002-0683](#).

The disputed domain name is under passive holding. The Respondent has failed to reply to the Complainant’s contentions and come forward with any evidence giving rise to rights or legitimate interests in the disputed domain name.

The Panel has weighed all available evidence and finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Accordingly, the Panel concludes that the Complainant has satisfied the second element under paragraph 4(b) of the Policy.

### C. Registered and Used in Bad Faith

The Complainant owns worldwide registrations of the SODEXHO trademark. The disputed domain name was registered subsequent to the first registration of the Complainant’s SODEXHO trademark. The Complainant submitted its official website content, 2021 fiscal year presentation, search results from the search engine Wikipedia as evidence to support its reputation. The Panel accepts that the Complainant and its SODEXHO trademark have gained a certain degree of reputation and recognition among relevant consumers worldwide. Thus, the Panel views that the Respondent should have been aware of the

Complainant and its SODEXHO trademark. Further, the Complainant's SODEXHO trademark is not a dictionary word and it is of a certain distinctiveness, thus, it is not persuasive that the Respondent registered the disputed domain name by coincidence.

The disputed domain name is not being actually used. After a weighing of the distinctiveness and reputation of the Complainant's SODEXHO trademark, the Respondent's failure of submitting a response and providing any evidence and other circumstances of the case, the Panel finds that the Respondent's passive holding of the disputed domain name is indicative of bad faith use.

Given all the circumstances of the case, the Panel concludes that the Respondent has registered and is using the disputed domain name in bad faith.

Accordingly, the Complainant has satisfied the third element under paragraph 4(c) of the Policy.

## **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 name, <sodexhoalliances.website>, be transferred to the Complainant.

/陈长杰 Jacob (Changjie) Chen/

**陈长杰 Jacob (Changjie) Chen**

Sole Panelist

Date: November 10, 2022