

ADMINISTRATIVE PANEL DECISION

Sodexo v. MIREILLE LENGHALENGHA, SODEXCO INTERNATIONAL
Case No. D2024-1580

1. The Parties

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

The Respondent is MIREILLE LENGHALENGHA, SODEXCO INTERNATIONAL, France.

2. The Domain Name and Registrar

The disputed domain name <sodexo.international> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 15, 2024. On April 16, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 16, 2024, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 19, 2024, 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 April 23, 2024.

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 April 24, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 14, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 23, 2024.

The Center appointed Alexandre Nappey as the sole panelist in this matter on May 27, 2024. 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 French company SODEXO (prior called SODEXHO ALLIANCE), one of the largest companies in the world specialized in food services and facilities management, with 430 000 employees serving daily 80 million consumers in 45 countries. SODEXO is one of the largest employers worldwide.

The Complainant is the owner of several national, international, and European trademark registrations SODEXO, among which:

- French Trademark SODEXO registered on January 8, 2008 under No. 073513766 for products and services in classes 9, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45;
- French trademark SODEXO registered on March 12, 2024, registered under No. 4697571, in international classes 7, 29, 30, 32, 33, and 35;
- European Union Trademark SODEXO registered on February 1, 2010 under No. 008346462 for products and services in international classes 9, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45;
- International Trademark SODEXO registered on January 8, 2008 under No. 964615 for products and services in classes 9, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45, renewed in 2018 and protected in the numerous countries;
- International Trademark SODEXO registered on October 23, 2014 under No. 1240316 for products and services in classes 9, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45 protected in numerous countries;

The Respondent registered the disputed domain name <sodexco.international> on April 8, 2024.

The disputed domain name allegedly resolved to parking pages containing pay-per-click (“PPC”) links. At the time of the present decision, the disputed domain name resolves a parking page of the Registrar without PPC links.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

First, the Complainant claims that the disputed domain name <sodexco.international> is identical or confusingly similar to the mark SODEXO in which the Complainant has rights;

Indeed, in the disputed domain name <sodexco.international>, the SODEXO mark is misspelled.

The spelling mistake consists in the addition of the letter “c” between the “x” and the “o” whereas the C key on the computer keyboard is placed right next to the X key.

It is obvious that the Respondent has registered this disputed domain name using the typo-squatting technique intended to create confusing similarity between Complainant's mark and Respondent's domain name.

In any event, the consumers read and/or perceive the disputed domain name as follows:
SODEXO.INTERNATIONAL.

The disputed domain name is confusingly similar to the Complainant's mark.

Then, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name:

- the Respondent has no rights on SODEXO as corporate name, trade name, shop sign, mark or domain name that would be prior to the Complainant's rights on SODEXO;
- the Respondent was not commonly known by the disputed domain name prior to the adoption and use by the Complainant of the corporate name, business name, and mark SODEXO / SODEXHO;
- 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 disputed domain name and to use it.

Third, the Complainant asserts that the disputed 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 mark SODEXO;
- given the well-known character and reputation of the SODEXO / SODEXHO mark, the Respondent knew its existence when he registered the disputed domain name while he perfectly knew that he had no rights or legitimate interests in the disputed domain name and that he cannot lawfully use it;
- the Respondent is using the disputed domain name by exploiting the confusion with the well-known SODEXO / SODEXHO mark to attract Internet users and to incite them to click on commercial links of Complainant's competitors.

This is then an intentional attempt to attract, for commercial gain, Internet users to websites of Complainant's competitors, and unrelated websites, by creating a likelihood of confusion with the well-known mark SODEXO.

The unauthorized use and registration of the disputed domain name by the Respondent to attract and redirect Internet users to websites of Complainant's competitors are solely for the purpose of achieving commercial gain and then constitute bad faith registration and use.

Moreover, the Internet users who have a legitimate interest in the SODEXO group could have been then exposed to these parking services proposing advertising links to websites of Complainant's competitors. This may not only be confusing for the consumers, but this can also create a dilution of the mark SODEXO.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

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. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section

Although the addition of the letter “c” between the “x” and the “o” may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

A domain name which consists of a common, obvious, or intentional misspelling of a trademark, e.g. adjacent keyboard letters, is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent had necessarily the Complainant’s trademark in mind when it registered the disputed domain name, considering that the Complainant has established goodwill and reputation on the SODEXO trademark and that the disputed domain name incorporates that trademark in its entirety,

Indeed, the Respondent knew or should have known of the Complainant’s trademarks and deliberately registered the disputed domain name (see [WIPO Overview 3.0](#), section 3.2.2).

Such finding is reinforced by the fact that the Complainant submitted printouts showing that the website operated under the disputed domain name is being used to activate a parking page proposing advertising links to websites of Complainant’s competitors.

Particularly with respect to “automatically” generated PPC links, panels have held that a respondent cannot disclaim responsibility for content appearing on the website associated with its domain name (nor would such links ipso facto vest the respondent with rights or legitimate interests). [WIPO Overview 3.0](#), section 3.5

It appears therefore that the Respondent, by referring to the SODEXO trademark in the disputed domain name, is trying to create a likelihood of confusion in order to attract, for commercial gain, Internet users to its own website.

The Panel finds that the Respondent’s use of the disputed domain name cannot therefore constitute use of the disputed domain name in a bona fide offering of goods or services.

The Panel finds that the above constitutes registration and use in bad faith pursuant to the third requirement of paragraph 4(a) 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 <sodexco.international> be transferred to the Complainant.

/Alexandre Nappey/

Alexandre Nappey

Sole Panelist

Date: June 10, 2024