

ADMINISTRATIVE PANEL DECISION

Sodexo v. Joseph Barro, Joseph Barro
Case No. D2024-5037

1. The Parties

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

The Respondent is Joseph Barro, Joseph Barro, United States of America.

2. The Domain Name and Registrar

The disputed domain name <sodaxo.cam> 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 December 6, 2024. On December 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 6, 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, DomainsByProxy.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 9, 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 December 12, 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 December 13, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 14, 2025.

The Center appointed Yuri Chumak as the sole panelist in this matter on January 21, 2025. 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, SODEXO, is a French company specializing in food services and facilities management. Founded in 1966, the Complainant initially operated under the name SODEXHO ALLIANCE before rebranding to SODEXO in 2008. The Complainant operates in 45 countries and has approximately 423,000 employees, serving 80 million consumers daily.

For the fiscal year 2024, the Complainant reported consolidated revenues of EUR 23.8 billion, with 47% of revenue generated from North America, 35% from Europe, and 18% from other regions. A copy of the Complainant's Fiscal 2024 Report was enclosed as an Annex to the Complaint.

The Complainant owns multiple domain names incorporating the SODEXO or SODEXHO name, including <sodexo.com>, <sodexousa.com>, <sodexoca.com>, <sodexo.fr>, <sodexho.com>, and others.

The Complainant holds numerous trademark registrations worldwide, including:

| Trademark | Reg. No. | Jurisdiction | Reg. Date |
|-----------|-----------|----------------|------------------|
| SODEXO | 964615 | International | January 8, 2008 |
| SODEXO | 1240316 | International | October 23, 2014 |
| SODEXO | 008346462 | European Union | February 1, 2010 |
| SODEXO | 006104657 | European Union | June 27, 2008 |

The disputed domain name was registered on December 2, 2024. It differs from the Complainant's SODEXO trademark by a single letter, substituting the letter "e" with "a". The disputed domain name was shown to resolve to a "Launching Soon" landing page, asking users to subscribe for updates on the site's future activity.

The Complainant has received reports that the disputed domain name has been used in connection with email communications that reference the Complainant's business.

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.

The Complainant asserts that the disputed domain name is confusingly similar to its well-known SODEXO trademark.

The Complainant asserts that the Respondent is not authorized to use its trademark and has no rights or legitimate interests in the disputed domain name.

The Complainant has provided evidence indicating that the disputed domain name has not been used for any legitimate purpose. Instead, the Complainant contends that the Respondent registered the disputed domain name in bad faith, leveraging the Complainant's well-known trademark to mislead or confuse Internet users. The disputed domain name resolves to a landing page that invites users to subscribe for updates on the site's future activity. The Complainant is concerned that this feature may be used to collect personal

data from unsuspecting consumers under the false impression that the website is associated with the Complainant.

Additionally, the Complainant has been informed that the disputed domain name is being used for phishing activities, with email addresses linked to the disputed domain name being used to impersonate the Complainant. Given the Complainant's global reputation and the Respondent's use of the disputed domain name in a manner that suggests an affiliation with the Complainant, the Complainant contends that the disputed domain name was registered with the intent to mislead consumers.

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. The minor variation, including the substitution of the letter "e" with "a", does not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), Section 1.9. Accordingly, the disputed domain name is identical or confusingly similar to the mark for the purposes of the Policy.

The applicable Top-Level Domain ("TLD") is disregarded for the purposes of the confusing similarity test. The ".cam" TLD is a standard registration requirement and does not impact the analysis. See [WIPO Overview 3.0](#), section 1.11.1.

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.

There is no evidence that the Respondent is commonly known by the disputed domain name, nor that the disputed domain name is being used in connection with a bona fide offering of goods or services or for a legitimate noncommercial or fair use.

Further, while the disputed domain name resolved to a landing page with a subscription option for updates on the website's activity, there is no indication of any legitimate business activity or independent rights to the name. The presence of a subscription feature may suggest an intent to collect personal data from Internet users under the false impression of an affiliation with the Complainant.

Moreover, the slight typographical variation of the Complainant's trademark in the disputed domain name—substituting the letter “e” with “a”—suggests an intent to mislead or confuse users, a practice commonly associated with typosquatting. The selection of the “.cam” TLD, which closely resembles “.com”, may further contribute to this confusion. Such use is incompatible with a right or legitimate interest under the Policy.

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 finds that the Respondent's actions demonstrate bad faith. The disputed domain name is a clear case of typosquatting of the Complainant's SODEXO trademark, substituting “e” with “a”. As well, the use of the “.cam” TLD instead of “.com” may further contribute to confusion, as “.cam” closely resembles “.com”, potentially misleading Internet users who mistype or misread the domain extension. Such practices are designed to create confusion and divert Internet users, as they may not notice the minor variation from the Complainant's trademark.

Further, the disputed domain name resolved to a landing page with a subscription feature, which the Complainant contends may be used to collect personal data under the false impression of affiliation with the Complainant. The Complainant has also asserted that the disputed domain name is being used in email communications, raising concerns of phishing. No evidence has been presented of such use for email; however, given the totality of the circumstances here: e.g., the well-known status of the SODEXO trademark and the inherently misleading nature of the typosquatting disputed domain name, the Panel finds that the disputed domain name was registered and is being used in bad faith.

The Panel finds that the Complainant has established the third element 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 <sodaxo.cam> be transferred to the Complainant.

/Yuri Chumak/

Yuri Chumak

Sole Panelist

Date: February 4, 2025