

## ADMINISTRATIVE PANEL DECISION

Sodexo v. David Hernandez, Name Redacted  
Case No. D2026-0929

### 1. The Parties

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

The Respondent is David Hernandez, Name Redacted<sup>1</sup>, Costa Rica.

### 2. The Domain Name and Registrar

The disputed domain name <sodexocr.com> is registered with Squarespace Domains II LLC (the “Registrar”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on March 4, 2026. On March 4, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 4, 2026, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 5, 2026, 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 amendment to the Complaint on March 10, 2026.

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<sup>1</sup> The Respondent appears to have used the name of the Complainant’s name when registering the disputed domain name. In light of the potential identity theft, the Panel has partially redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

On March 5, 2026 the Center informed the parties in Spanish and English, that the language of the registration agreement for the disputed domain name is Spanish. On March 10, 2026, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 March 11, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 31, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 1, 2026.

The Center appointed Edoardo Fano as the sole panelist in this matter on April 21, 2026. 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.

The Panel has not received any requests from the Complainant or the Respondent regarding further submissions, waivers or extensions of deadlines, and the Panel has not found it necessary to request any further information from the Parties.

Having reviewed the communication records in the case file provided by the Center, the Panel finds that the Center has discharged its responsibility under the Rules, paragraph 2(a), "to employ reasonably available means calculated to achieve actual notice to [the] Respondent". Therefore, the Panel shall issue its Decision based upon the Complaint, the Policy, the Rules and the Supplemental Rules and without the benefit of a response from the Respondent.

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

The Complainant is Sodexo, a French company founded in 1966, operating in the fields of food services and facilities management, and owning several trademark registrations worldwide, including Costa Rica (the country of the Respondent, where the Complainant is doing business), for SODEXO, among which:

- International Trademark Registration No. 964615 for SODEXO and design, registered on January 8, 2008;
- Costa Rican Trademark Registration No. 176620 for SODEXO and design, registered on June 18, 2008;
- European Union Trademark Registration No. 008346462 for SODEXO, registered on February 1, 2010.

The Complainant also operates on the Internet, its main website being "www.sodexo.com".

The Complainant provided evidence in support of the above.

According to the Whois records, the disputed domain name was registered on March 3, 2026, and it is inactive.

## **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.

Notably, the Complainant contends that disputed domain name is confusingly similar to its trademark SODEXO.

Moreover, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name, since it has not been authorized by the Complainant to register the disputed domain name or to use its trademark within the disputed domain name, it is not commonly known by the disputed domain name, and it is not making either a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name.

The Complainant submits that the Respondent has registered the disputed domain name in bad faith, since the Complainant's trademark SODEXO is well known in the fields of food services and facilities management. Therefore, the Respondent targeted the Complainant's trademark at the time of registration of the disputed domain name and the Complainant contends that the passive holding of the disputed domain name qualifies as bad faith registration and use.

Finally, the Complainant fears fraudulent uses of the disputed domain name, for phishing, especially to perpetrate email scam sent to its clients requesting payment of false invoices on fake Sodexo bank accounts, to order products to Complainant's clients for considerable amounts by impersonating Complainant's employees or to steal personal data.

### **B. Respondent**

The Respondent has made no reply to the Complainant's contentions and is in default. In reference to paragraphs 5(f) and 14 of the Rules, no exceptional circumstances explaining the default have been put forward or are apparent from the record.

A respondent is not obliged to participate in a proceeding under the Policy, but if it fails to do so, reasonable facts asserted by a complainant may be taken as true, and appropriate inferences, in accordance with paragraph 14(b) of the Rules, may be drawn. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.1](#)"), section 4.3.

## **6. Discussion and Findings**

### **6.1 Language of Proceeding**

According to paragraph 11(a) of the Rules, the Panel decides that the language of the proceeding will be English. The language of the Registration Agreement of the disputed domain name is Spanish. The Complainant has requested English to be the language of the proceeding and the Respondent did not comment to the Complainant's request to use English.

The Panel finds that it would be not only unnecessary but also unfair, both economically and timewise, to request the Complainant to translate the Complaint. [WIPO Overview 3.1](#), section 4.5.1. For this reason, the proceedings will be conducted in English.

## 6.2 Substantive Issues

Paragraph 4(a) of the Policy lists three elements, which the Complainant must satisfy in order to succeed:

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

### 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 3.1](#), section 1.7.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds the entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

While the addition of other terms, here "cr" (namely the geographical code for Costa Rica, the country in which the Respondent is based and where the Complainant is doing business), 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 Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

It is also well-accepted that a generic Top-Level Domain ("gTLD"), in this case ".com", is typically ignored when assessing the similarity between a trademark and a domain name. [WIPO Overview 3.1](#), section 1.11.1.

Based on the available record, 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.

While 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 often impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the 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.

Finally, the Panel finds that the composition of the disputed domain name (incorporating the Complainant's trademark in its entirety with the addition of the term "cr", namely the geographical code for Costa Rica, the country in which the Respondent is based and where the Complainant is doing business) carries a risk of implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.1](#), section 2.5.1.

Based on the available record, 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, regarding the registration in bad faith of the disputed domain name, the reputation of the Complainant's trademark SODEXO in the fields of food services and facilities management is clearly established, and the Panel finds that the Respondent knew more likely than not of the Complainant, and deliberately registered the disputed domain name in bad faith.

As regards the use of the disputed domain name, being inactive, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.1](#), section 3.3. Having reviewed the record, the Panel notes the reputation of the Complainant's trademark in the fields of food services and facilities management, the nature of the disputed domain name (wholly incorporating the Complainant's trademark with the addition of the term "cr", namely the geographical code for Costa Rica, the country in which the Respondent is based and where the Complainant is doing business), and the failure of the Respondent to submit a response, and finds that in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Furthermore, the Panel considers that the nature of the inherently misleading disputed domain name, which incorporates the Complainant's trademark in its entirety with the addition of the term "cr", namely the geographical code for Costa Rica, the country in which the Respondent is based and where the Complainant is doing business, further supports a finding of bad faith.

[WIPO Overview 3.1](#), section 3.2.1.

Finally, since the MX records attached to the disputed domain name have been activated, noting the nature of the disputed domain name (wholly incorporating the Complainant's trademark with the addition of the term "cr", namely the geographical code for Costa Rica, the country in which the Respondent is based and where the Complainant is doing business), the Panel deems that there is a risk that the disputed domain name could be used for phishing activities.

Based on the available record, the Panel finds the third element of the Policy has been established.

## 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, <sodexocr.com> be transferred to the Complainant.

*/Edoardo Fano/*

**Edoardo Fano**

Sole Panelist

Date: April 28, 2026