ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Sodexo v. Josseth Araya SodexoBHP
Case No. D2026-2472

1. The Parties

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

The Respondent is Josseth Araya, SodexoBHP, Chile.

2. The Domain Name and Registrar

The disputed domain name <sodexobhp.com> is registered with Squarespace Domains II LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") in English on June 8, 2026. On June 9, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 9, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

On June 11, 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 June 11, 2026, the Complainant confirmed its request that English be the language of the proceeding and submitted an amended Complaint with arguments supporting its language request. 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 June 19, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 9, 2026. The Respondent sent an email communication to the Center on July 13, 2026.

The Center appointed Qiang Ma as the sole panelist in this matter on July 17, 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.

4. Factual Background

The Complainant was established in 1966 and has since grown into one of the world's largest food service and facilities management companies. The Complainant currently employs over 426,000 people and serves approximately 80 million consumers daily across 43 countries and regions. For the 2025 fiscal year, the Complainant reported consolidated revenues in excess of EUR 24 billion.

From 1966 to 2008, the Complainant operated under the trade name and trademark of SODEXHO. In 2008, the Complainant simplified the spelling of the trade name and trademark to SODEXO.

The Complainant holds a substantial portfolio of SODEXO trademark registrations, including, inter alia, the Chilean trademark sodexo registered under No. 814943, filed on November 2, 2007, and registered on April 24, 2008, for International Classes 9 and 16, as well as under No. 827178 registered on September 11, 2008, for International Classes 35 to 45. In addition, the Complainant owns the European Union trademark SODEXO, filed on June 8, 2009, and registered on February 1, 2010, under European Union Registration No. 008346462, covering International Classes 9, 16, 35 to 45.

Furthermore, the Complainant has demonstrated ownership of numerous domain names incorporating the SODEXO trademark, including, including notably <sodexo.com>, which resolves to the Complainant's official website at "www.sodexo.com" and is actively used to promote its food and facilities management services on a global scale.

According to the information provided by the Registrar for the disputed domain name, the Respondent is purportedly located in Chile.

The disputed domain name was registered on June 5, 2026. As of the time of rendering this Decision, it resolves to an error page. The Complainant has provided evidence that it used to resolve to a landing page, displaying the disputed domain name "<sodexobhp.com> along with the message: "En construcción. Regresa pronto para ver las novedades" (meaning in English "Under construction. Please come back soon to see the latest updates"). Moreover, based on email correspondence received from the Respondent, the disputed domain name "remained unused".

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant argues that the disputed domain name is confusingly similar to its SODEXO trademark, which is fully incorporated therein. The additional term "BHP" corresponds to the trademark of a third-party company, BHP Group Limited, which has an established cooperation with the Complainant in Chile. This association further increases the likelihood of confusion. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark.

In addition, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent's identity appears to be fabricated, as no company by the name of "SodexoBHP" exists at the registered address provided. Furthermore, the Respondent holds no corresponding trademark or trade name registrations that would be prior to the Complainant's rights on

SODEXO, nor has it received any authorization from the Complainant to register the disputed domain name. The Respondent is also not commonly known by the disputed domain name. In these circumstances, the Respondent's use of the disputed domain name appears to be aimed at seeking unfair commercial gain, and the Respondent has no legitimate rights or interests in the disputed domain name.

Finally, the Complainant's SODEXO trademark is inherently distinctive and has acquired global renown in the fields of food services and facilities management, a status that has been consistently acknowledged in numerous prior UDRP decisions. . The disputed domain name currently resolves to an inactive webpage, which constitutes as passive holding. In light of the reputation of the SODEXO trademark, the Respondent's registration and use of the disputed domain name demonstrate bad faith.

B. Respondent

The Respondent submitted an email communication addressing some of the to the Complainant's contentions. In an email dated June 13, 2026, the Respondent contends that he or she registered the disputed domain name without any knowledge that it could conflict with the Complainant's trademark, and therefore lacked any bad-faith intent or to impersonate the Complainant, to mislead consumers, or to take unfair advantage of the Complainant's reputation. The Respondent further asserts that the disputed domain name has remained unused and that he or she promptly "deleted" it upon becoming aware of the present Complaint.

6. Discussion and Findings

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Spanish. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for the fact that the Complainant is unable to communicate in Spanish. Requiring the Complainant to submit all documents in Spanish would unduly delay the proceedings and impose substantial translation costs upon the Complainant.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.5.1.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

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.

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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of term "bhp" may bear on assessment of the second and third elements, and, as stated by the Complainant, may refer to a third party's trademark, 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 3.1, section 1.8 and 1.12.

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 that 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 3.1, 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.

Firstly, the Respondent does not appear to be commonly known by the disputed domain name or any similar name. The Respondent has neither acquired nor applied for any trademark rights in SODEXO or SODEXOBHP. Moreover, the Respondent appears to have fabricated the entity name "SodexoBHP" as no such company exists at the registered address provided. In light of the foregoing, it is reasonable to conclude that the Respondent is not commonly known by the disputed domain name.

Secondly, the Respondent does not appear to be making any legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or tarnish the Complainant's trademark. In the present case, the disputed domain name was used to resolve to a landing webpage, displaying the domain name itself along with a brief message in Spanish indicating that the webpage was under construction. As further confirmed by the Respondent's email communication, the disputed domain name remains unused to date. It is therefore evident that the Respondent has failed to demonstrate any legitimate noncommercial or fair use of the disputed domain name.

Finally, the Respondent is not making a bona fide offering of goods and services. According to the Complaint, the Respondent is neither affiliated with nor authorized by the Complainant in any capacity, and the Complainant has no business relationship or engagement of any kind with the Respondent. Accordingly, the Respondent has made no bona fide offering of goods or services and lacks any legitimate interests in the disputed domain name. The combination in the disputed domain name of the Complainant's trademark and the mark BHP of a company currently collaborating with the Complainant in Chile, further supports this finding.

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, more likely than not, intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademark. Although the Respondent contends that he or she had no knowledge that the disputed domain name could conflict with the Complainant's trademark at the time of registering the disputed domain name, and therefore lacked any bad-faith intent to impersonate the Complainant, mislead consumers, or take unfair advantages of the Complainant's reputation, the Panel is not persuaded by this assertion.

The Complainant's SODEXO trademark is inherently distinctive and has achieved worldwide renown in connection with food services and facilities management. The Complainant has continuously used the trademark in commerce within the territory of Chile, including through its official website, and has operated the domain name <cl.sodexo.com> to promote and sell its services under the trademark. In light of these facts, the Respondent's subsequent registration of the disputed domain name, which fully incorporates the Complainant's SODEXO trademark together with the BHP trademark of the Complainant's business partner, constitutes clear evidence of bad faith registration and use.

Panels have found that the non-use of a domain name, including an "under construction" page, would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. WIPO Overview 3.1, section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, 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.

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 <sodexobhp.com> be cancelled.

/Qiang Ma/
Qiang Ma
Sole Panelist
Date: July 28, 2026