

ADMINISTRATIVE PANEL DECISION

Sodexo v. Carolina Rodrigues, Fundacion Comercio Electronico
Case No. D2023-5317

1. The Parties

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

The Respondent is Carolina Rodrigues, Fundacion Comercio Electronico, Panama.

2. The Domain Name and Registrar

The disputed domain name <ssodexolink.com> 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 21, 2023. On December 22, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 22, 2023, the Registrar transmitted by email to the Center its verification response disclosing the registrant and contact information for the disputed domain name which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 26, 2023, 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 29, 2023.

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 January 8, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 28, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 30, 2024.

The Center appointed Meera Chature Sankhari as the sole panelist in this matter on February 5, 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, "SODEXO", is a French Limited company registered under the laws of France. The Complainant was established in the year 1966 under the trade name "SODEXHO ALLIANCE". The Complainant is one of the largest companies worldwide specializing in food and facilities management services.

In the fiscal year 2023, the Complainant's consolidated revenue reached EUR 22,6 billion. The Complainant is listed as one of "The World's Most Admired Companies" by FORTUNE Magazine.

The Complainant, from the year 1966 to 2008, promoted its business under the "SODEXHO" mark and trade name. In the year 2008, the Complainant simplified the spelling of its mark and name "SODEXHO", to "SODEXO" and changed its logo

from  to 

The Complainant also owns numerous domain names corresponding to and/or containing "Sodexo" or "Sodexho". The Complainant promotes its activities among others under the following domain names: <sodexo.com>, <uk.sodexo.com>, <sodexoprestige.co.uk>, <sodexo.fr>, <sodexoca.com>, <sodexousa.com>, <cn.sodexo.com>, <sodexho.fr>, <sodexho.com>

The Complainant's marks have been continuously and extensively used and registered worldwide. Following are some of the countries in which the Complainant has registered their marks:

MARK	Registration No.	Class	Date of registration	Status	Jurisdiction
SODEXO	008346462	09, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45	February 1, 2010	Registered	European Union
	1372159	09, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45	November 9, 2011	Registered	Canada
	964615	09, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45	January 8, 2008	Registered	USA

The Respondent in the present administrative proceeding is Carolina Rodrigues, Fundacion Comercio Electronico, located in PANAMA.

The disputed domain name <ssodexolink.com> was registered by the Respondent on November 21, 2023, under the “.com” generic Top-Level Domain (“gTLD”), with the Registrar, GoDaddy.com, LLC. The disputed domain name which is being used by the Respondent is leading to a malicious website.

The Respondent has not replied to the ongoing dispute proceedings.

5. Parties' Contentions

A. Complainant

The Complainant contends that it was forced to file the present Complaint to safeguard its legitimate business interests and the rights of its user community from the Respondent's blatantly abusive registration and use of the disputed domain name. The Complainant argues that the disputed domain name is confusingly similar to their well-known SODEXO trademark.

The Complainant contends that SODEXO/ SODEXHO marks have a very strong reputation and are widely known all over the world. The Complainant has relied upon UDRP decisions where the panel has already recognized the well-known character of the SODEXO/ SODEXHO marks.

The Complainant submits that the disputed domain name incorporates the SODEXO mark in its entirety with the addition of the letter “s” and the non-distinctive element “link”. The addition of the letter “s” is insufficient to distinguish the disputed domain name at issue from the SODEXO mark, as it only corresponds to an obvious misspelling of the SODEXO mark. The addition of the letter “s” together with the addition of the word “link” do not significantly affect the appearance or pronunciation of the disputed domain name which is confusingly similar to the Complainant's mark.

The Complainant claims that the Respondent has registered this disputed domain name using the typo-squatting technique intended to create confusing similarity between the Complainant's mark and the disputed domain name. Given the identical reproduction of the SODEXO mark, the public is likely to believe that the disputed domain name comes from or is linked to the Complainant.

The Complainant submits that UDRP Panels already found that the domain name <sodexolink.co> is confusingly similar to the Complainant's trade mark SODEXO: *Sodexo v. Jason L Monroe*, WIPO Case No. [DCO2022-0018](#) of May 6, 2022.

The Complainant argues that the Respondent has no rights or legitimate interests concerning the disputed domain name. The Respondent has no rights on SODEXO as a corporate name, trade name, shop sign, mark or domain name that would be before the Complainant's rights on SODEXO. Moreover, 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 disputed domain name and to use it.

The Complainant argues 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. The use of the Complainant's trademark SODEXO for a domain name to point to a malicious website or page constitutes evidence of bad faith use of the disputed domain name. Such use tarnishes the distinctiveness and reputation of Complainant's mark SODEXO and demonstrates Respondent's bad faith.

The Complainant claims that, given the well-known character and reputation of the SODEXO / SODEXHO mark, the Respondent was aware of its existence when she registered the disputed domain name, and she was fully aware that she had no rights or legitimate interests in the disputed domain name and could not lawfully use it.

The Complainant submits that the disputed domain name is leading to a webpage connecting to a malicious website. The antivirus software installed on the computer of the internet user sends alerts that the disputed domain name connects to a malicious website. Also, the Complainant has recently faced several attacks and fears other possible fraudulent uses of the disputed domain name <ssodexolink.com>, notably for phishing.

The Complainant points out that the Respondent was involved in numerous other domain name disputes, which she registered, reproducing marks owned by third parties and were ordered to be transferred. The Complainant places reliance on multiple UDRP Cases involving the Respondent who registered other domain names composed of complainants SODEXO marks.

According to the Complainant, the Respondent has registered the disputed domain name primarily to disrupt the Complainant's business and has caused actual disruption in its business by preemptively registering the disputed domain name. That this is causing a likelihood of confusion as to source, affiliation, etc. and is taking unfair advantage of the Complainant's rights. For the reasons stated above, the Complainant seeks that the disputed domain name be transferred to the Complainant.

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

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 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 3.0](#), section 1.7.

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 1.7.

Adding the letter "s" and the non-unique term "link" does not effectively differentiate the disputed domain name from the SODEXO trademark. The inclusion of "s" merely creates a misspelling of SODEXO, while the addition of "link" does not notably alter the visual or auditory similarity to the Complainant's mark. Thus, the Complainant's distinctive trade mark SODEXO is readily recognizable within the disputed domain name and, the addition of the letter "s" is insufficient to avert a finding of confusing similarity. According to Section 1.9 of the [WIPO Overview 3.0](#) "A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element".

Although the addition of the term “link” 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.

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.

Panels have held that the use of a domain name for illegal activity, such as phishing, unauthorized account access/hacking can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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’s registration and utilization of the disputed domain name demonstrate bad faith, a claim which the Respondent failed to contest. Given the widely recognized reputation of the SODEXO and SODEXHO trademarks, it’s evident that the Respondent was aware of these marks when registering the disputed domain name. The evidence indicates that the Respondent was likely aware of the Complainant’s rights at the time of registering the domain name, especially considering the multiple previous UDRP domain name decisions against the Respondent. This suggests that the Respondent engages in a pattern of cybersquatting, demonstrating a clear intent to exploit the well-known trademarks of others unlawfully.

Consequently, it’s reasonable to conclude that the Respondent lacks any legitimate rights or interests in the disputed domain name.

The term “SODEXO” is entirely fanciful and does not have a dictionary meaning, making it highly unlikely for anyone to select this word or any similar variation unless intending to establish a connection with the activities and brand of the Complainant, SODEXO. The evidence is that, with respect to the SODEXO mark, Respondent is a serial typosquatter and registers domain names composed of the Complainant’s SODEXO

mark. Some of which are- <sodexocare.com>, <1sodexo.com>, <sodexobenefitscenter.com>, <sodexeo.com> and <portalsodexo.com>. Further, it is important to note here that the Respondent has been a Respondent in two hundred and sixty-three prior UDRP cases involving over 400 domain names that contain third party marks to which she is not entitled.

The Respondent's unauthorized registration and utilization of the disputed domain name aimed at luring and redirecting internet users to a malicious webpage, inherently seeking to cause harm. Thus, such actions are deemed as bad faith registration and use.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity claimed, phishing, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 <ssodexolink.com> be transferred to the Complainant.

/Meera Chature Sankhari/

Meera Chature Sankhari

Sole Panelist

Date: February 19, 2024