

ADMINISTRATIVE PANEL DECISION

Pluxee International v. Carolina Rodrigues, Fundacion Comercio Electronico
Case No. D2024-3806

1. The Parties

The Complainant is Pluxee International, France, represented by Areopage, France.

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

2. The Domain Name and Registrar

The disputed domain name <pluxegroup.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 18, 2024. On September 19, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 19, 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 (Privacy service provided by Withheld) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 20, 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 September 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 September 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 15, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 21, 2024.

The Center appointed Ik-Hyun Seo as the sole panelist in this matter on October 28, 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 a part of the SODEXO Group, which is an international foodservices and facilities management company with 430,000 employees and 80 million consumers daily in 45 countries. In 2023, a part of the SODEXO business relating to employee benefits and engagement solutions changed its name into PLUXEE, and on February 1, 2024, the Pluxee Group – the Complainant – was established as a separate business. The Pluxee Group delivers over 250 products to 36 million consumers in 31 countries. For the PLUXEE trademark, the Complainant owns the French Trademark Registration Number 224905284 registered on October 14, 2022, and International Registration Number 1706936 registered on November 2, 2022. The Complainant owns and operates <pluxee-group.com> in connection with its business.

The Respondent appears to be an individual with an address in Panama.

The disputed domain name was registered on September 16, 2024. As of the date of the Decision, the disputed domain name does not resolve to any website with content but have in the past resolved to a website displaying pay-per-click links to terms “Chateau Hotel”, “Hebergements”, and “Logement Bord de Mer” (In English, “Castle Hotel”, “Accommodations”, and “Seaside Accommodations.”).

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 the disputed domain name is confusingly similar to the Complainant’s PLUXEE mark, since it is composed of “pluxe” which is almost identical to PLUXEE only without the last letter “e” which does not significantly affect its appearance, and the other term “group” is internationally understood by consumers. The Complainant also contends that the disputed domain name corresponds to typosquatting as it was clearly intended to cause confusion with the Complainant’s mark.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect.

Finally, the Complainant contends that the disputed domain name was registered and used in bad faith. The Complainant contends that as “pluxee” is a very distinctive term, the Respondent sought to create an association with the Complainant when registering the disputed domain name. Further, the Complainant also contends that the Respondent obviously knew of the existence of the PLUXEE mark when registering the disputed domain name and also knew that he had no rights or legitimate interests in the dispute domain name. Finally, the Complainant contends that the Respondent used the dispute domain name to display pay-per-click links to third party websites and profit from the confusion of the Internet visitors.

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. Specifically, the disputed domain name contains the term "pluxe" which is identical to the Complainant's trademark PLUXEE except for the lack of the second "e". And for this reason, the misspelling appears intentional and may be a form of typosquatting under [WIPO Overview 3.0](#), section 1.9.

Although the addition of other terms – here, "group" – 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.

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 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 disputed domain name was at one time used to host a parked page comprising pay-per-click links. Though the links displayed were not related to the business of the Complainant, such use still does not support the Respondent's rights or legitimate interests in the disputed domain name, given that the Respondent's use trades on the reputation and fame of the Complainant's mark and misleads Internet users as to the relationship between the disputed domain name and the Complainant.

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 registered the disputed domain name which is confusingly similar to the Complainant's trademark and official domain name. Considering the confusing similarity between the disputed domain name to the Complainant's official domain name, <pluxeegroup.com>, and the coined nature of PLUXEE and "pluxe", it should be highly unlikely for the Respondent to have registered the disputed domain name purely by chance. Rather, it seems that the Respondent specifically targeted the Complainant in registering the disputed domain name which is confusingly similar to the Complainant's trademark and domain name in order to attract, for commercial gain, Internet users by creating a likelihood of confusion with the complainant's mark and profited from the resulting confusion through the pay-per-click links displayed at the website.

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 <pluxegroup.com> be transferred to the Complainant.

/Ik-Hyun Seo/

Ik-Hyun Seo

Sole Panelist

Date: November 11, 2024