

ADMINISTRATIVE PANEL DECISION

SODEXO v. Muji Mulyo
Case No. D2024-4930

1. The Parties

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

The Respondent is Muji Mulyo, Indonesia.

2. The Domain Name and Registrar

The disputed domain name <sodexio.info> is registered with IONOS SE (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 29, 2024. On November 29, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 29, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 2, 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 4, 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 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 25, 2024. The Respondent sent several email communications to the Center on December 3, 8 and 9, 2024. However, the Respondent did not submit any formal response. Accordingly, the Center notified the Commencement of Panel Appointment Process on December 26, 2024.

The Center appointed Andrea Cappai as the sole panelist in this matter on January 2, 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 (formerly known as Sodexho Alliance), is a French company established in 1966. It is one of the world's largest enterprises specialising in food services and facilities management. With a workforce of 423,000 employees serving 80 million consumers daily across 45 countries, SODEXO is among the largest employers globally.

From its inception in 1966 until 2008, the company operated under the mark and trade name SODEXHO. In 2008, it simplified its branding by adopting the name SODEXO.

To support and safeguard its global operations, SODEXO holds an extensive portfolio of trademarks including:

- Indonesian trademark registration No. IDM000237977 for the figurative mark SODEXO, registered on September 2, 2020;
- International trademark registration No. 1240316 for the mark SODEXO, registered on October 23, 2014;
- European Union trademark registration No. 008346462 for the mark SODEXO, registered on February 1, 2010.

SODEXO maintains a strong international presence, including in Indonesia. Additionally, the Complainant owns numerous domain names corresponding to or containing SODEXO or SODEXHO, such as <sodexo.com> and <sodexo.fr>, which it uses to promote its activities.

The disputed domain name was registered on November 25, 2024 and, according to the Complainant, was inactive at the time the Complaint was filed. The Panel notes, however, that the disputed domain name is currently associated with a webpage offering it for sale at a price of USD 750.00.

In a communication with the Center, the Respondent claimed that the disputed domain name was being used for non-commercial purposes. However, in the same statement, they admitted to using the disputed domain name "to build backlinks".

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 contends that the SODEXO and SODEXHO trademarks are globally recognised, as confirmed by multiple UDRP decisions, and that the Respondent lacks any rights or legitimate interests in the disputed domain name. The Respondent has no prior use or affiliation with the Complainant and was not authorised to use these trademarks.

The Complainant highlights that UDRP panels have consistently considered factors such as the strong reputation and well-known status of the Complainant's trademarks, the Respondent's failure to provide evidence of good faith use, and the near-identical nature of the disputed domain name to the Complainant's

name and marks. This similarity strongly suggests an intent to divert or mislead users attempting to access the Complainant's website.

Given the distinctive nature of the marks SODEXO and SODEXHO, their adoption by the Respondent implies a deliberate attempt to create an association with the Complainant. Furthermore, the Respondent's passive holding of the disputed domain name underscores bad faith, likely aimed at exploiting the reputation of the Complainant's trademarks for commercial or fraudulent purposes. Such actions amount to bad faith registration and use.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

However, the Respondent did send informal communications, which are included herein for the sake of completeness.

On December 3, 2024, the Respondent sent the following communication to the Center:

"what should I do about this problem? Please explain?
Thanks."

On December 8, 2024, the Respondent sent the following communication to the Center:

"What should i do to fixed that,, domain unused by me, i just buy random domain,, do you need to take this domain? Do i get the benefit to take a new owner? Please explain with simple method because I don't know rule of law in this industry,,,
Regards."

On December 8, 2024, the Respondent sent the following communication to the Center:

"Hello i Will release this domain to you for \$1000 compensation, please let me know how do you need .."

On December 9, 2024, the Respondent sent the following communication to the Center:

"this domain only privat blog not commercial used, i grab this name on expired domain,,then i build backlink on this name.
please check and tell to the sodexo, i'm not broke their brand. <https://sodexio.info/> warm regards."

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 SODEXO mark is recognisable 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 addition of the letter “i” does not avoid a finding of confusing similarity.

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 recognised 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 Respondent holds no rights or legitimate interests in the disputed domain name. No evidence suggests any prior rights to the mark SODEXO or any connection to the Complainant. The Respondent is not commonly known by the disputed domain name and has no authorisation, license, or affiliation with the Complainant or its subsidiaries. The Complainant also demonstrates that the disputed domain name resolved to an inactive website at the time of filing. For completeness, the disputed domain name currently directs to a webpage where it is offered for sale. The Respondent claims to use the disputed domain name “to build backlinks”, hinting at a use that is not currently evident but still suggests an intent to exploit the disputed domain name to enhance online visibility or ranking, possibly for indirect commercial gain.

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 this case, the Panel notes that the Complainant’s rights clearly predate the registration of the disputed domain name. SODEXO is a coined word that, through extensive and long-standing use, has acquired a notable reputation. This view aligns with previous UDRP decisions, which have similarly recognised the SODEXO trademark as well known.

In these circumstances, it is improbable that the Respondent registered the disputed domain name without knowledge of the Complainant’s rights, strongly indicating bad faith registration. The inclusion of the SODEXO trademark in the disputed domain name, altered only by a minor misspelling, reinforces the finding of bad faith.

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.

The Panel also considers the Respondent's informal responses submitted to the Center, which provide additional evidence of bad faith. In particular, the correspondence reveals that the disputed domain name was offered for sale at a price likely exceeding the Respondent's reasonable out-of-pocket costs directly related to the disputed domain name. Moreover, the Panel notes that the disputed domain name is currently linked to a webpage offering it for sale at a similar price, a conduct consistent with the circumstances outlined in paragraph 4(b)(i) of 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 <sodexio.info> be transferred to the Complainant.

/Andrea Cappai/

Andrea Cappai

Sole Panelist

Date: January 16, 2025