

ADMINISTRATIVE PANEL DECISION

Sodexo v. RIYAD NADER ZAMAN

Case No. D2025-0219

1. The Parties

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

The Respondent is RIYAD NADER ZAMAN, Lithuania.

2. The Domain Name and Registrar

The disputed domain name <sodexoconstruction.online> 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 January 21, 2025. On January 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 21, 2025, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 22, 2025, 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 January 23, 2025.





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 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 13, 2025. The Respondent sent an email communication to the Center on January 23, 2025. Pursuant to paragraph 6 of the Rules, on February 17, 2025, the Center informed the Parties that it would proceed with the panel appointment process.

The Center appointed Kiyoshi Tsuru as the sole panelist in this matter on February 21, 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 is a French company founded in 1966, formerly named SODEXHO ALLIANCE. It is one of the world's largest companies in the food and facilities management services industries, with 423,000 employees serving daily 80 million of consumers across 45 different countries, being one of the largest employers worldwide. The Complainant owns several trademark registrations around the world, including:

Trademark	Registration No.	Jurisdiction	Date of Registration	Class
SODEXO	008346462	European Union	February 1, 2010	Class 9, Class 16, Class 35, Class 36, Class 37, Class 38, Class 39, Class 40, Class 41, Class 42, Class 43, Class 44, Class 45.
SODEXO 	006104657	European Union	June 27, 2008	Class 9, Class 16, Class 35, Class 36, Class 37, Class 38, Class 39, Class 40, Class 41, Class 42, Class 43, Class 44, Class 45.
SODEXO 	964615	International trademark	January 8, 2008	Class 9, Class 16, Class 35, Class 36, Class 37, Class 38, Class 39, Class 40, Class 41, Class 42, Class 43, Class 44, Class 45.
SODEXO	1240316	International trademark	October 23, 2014	Class 9, Class 16, Class 35, Class 36, Class 37, Class 38, Class 39, Class 40, Class 41, Class 42, Class 43, Class 44, Class 45.
SODEXHO 	689106	International trademark	January 28, 1998	Class 16, Class 36, Class 37, Class 39, Class 41 and Class 42.
SODEXHO 	694302	International trademark	June 22, 1998	Class 9

The Complainant owns the domain names <sodexo.com>, <uk.sodexo.com>, <sodexoprestige.co.uk>, <sodexousa.com>, <cn.sodexo.com>, <sodexho.fr>, and <sodexho.com>, among others, which resolve to the Complainant's official websites for specific territories (United Kingdom, United States of America, China, France).

The disputed domain name was registered on January 19, 2025, and it resolves to a parked website with pay-per-click ("PPC") links.

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 the following:

I. Identical or Confusingly Similar

That the well-known character of the Complainant's SODEXO trademarks has been declared in several cases decided under the Policy.

That the disputed domain name incorporates the Complainant's SODEXO trademarks entirely, with the addition of the descriptive element "construction". That the addition of said term is inoperative to distinguish the Complainant's SODEXO trademark in the disputed domain name, given its dominance and its individual and attractive character, and that it has been admitted in precedents issued under the Policy that the addition of a generic or descriptive term to a trademark does not alter the fact that the disputed domain name is confusingly similar to the trademark in question (and cites *Terex Corporation v. Texas International Property Associates - NA NA*, WIPO Case No. [D2008-0733](#); *Billabong International Limited, GSM (Operations) Pty Ltd, GSM (Trademarks) Pty Ltd, GSM (Europe) Pty Ltd, GSM (NZ Operations) Ltd v. Mookie Lei*, WIPO Case No. [D2008-0101](#); *Revlon Consumer Products Corporation v. Laurent D. Morel*, WIPO Case No. [D2002-0215](#); *Viacom International Inc. v. Erwin Tan*, WIPO Case No. [D2001-1440](#); *Nokia Corporation v. Nokiagirls.com a.k.a. IBCC*, WIPO Case No. [D2000-0102](#), and *eAuto L.L.C. v. Net Me Up*, WIPO Case No. [D2000-0104](#)).

That, considering the identical reproduction of the Complainant's SODEXO trademarks in the disputed domain name, the public could believe that the disputed domain name is linked to the Complainant.

That the disputed domain name resolves to a parking page that comprises links to French websites of the Complainant's competitors in the industries of catering and event organization.

That the Complainant has recently suffered cyberattacks, and that the Complainant strongly fears that they are a consequence of a fraudulent use of the disputed domain name for phishing purposes.

II. Rights or Legitimate Interests

That the Respondent's name is unknown to the Complainant, and that the address that the Respondent provided for purposes of registration of the disputed domain name seems to be inexact or invented.

That the Respondent has no rights to the Complainant's SODEXO trademark, nor to the Complainant's corporate name, trade name, shop sign, mark or domain name.

That the Respondent was not commonly known by the disputed domain name prior to the Complainant's adoption and use of its corporate name, business name, and its trademark SODEXO.

That 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 to register the disputed domain name.

III. Registered and Used in Bad Faith

That the "sodexo" term is purely fanciful. That, therefore, nobody could legitimately choose it or any variation thereof unless seeking to create an association with the Complainant and its SODEXO trademark (and cites the Policy, paragraph 4[b]).

That, given the well-known character and reputation of the Complainant's SODEXO trademark, the Respondent knew of its existence when registering the disputed domain name, while being perfectly aware that the Respondent did not have any rights or legitimate interests in the disputed domain name.

That previous UDRP decisions have recognized that actual knowledge of a complainant's trademarks and activities at the time of registering a domain name may be considered as an inference of bad faith (and cites *Accor, So Luxury HMC v. Youness Itsmail*, WIPO Case No. [D2015-0287](#); *Sodexo v. Shahzan PrivacyProtect.org*, WIPO Case No. [D2013-1308](#); *Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net*, WIPO Case No. [D2000-0226](#), and *Sony Kabushiki Kaisha also trading as Sony Corporation v. Inja, Kil*, WIPO Case No. D2000 1409).

That the Respondent is using the disputed domain name to exploit the confusion with the Complainant's well known SODEXO trademark to attract Internet users and to incite them to click on the links that redirect Internet users to competitors of the Complainant, in an intentional attempt to attract for commercial gain Internet users by creating a likelihood of confusion with the Complainant's well known SODEXO trademark.

That bad faith registration and use have been recognized when a disputed domain name resolves to parking pages containing PPC links (and cites *Champagne Lanson v. Development Services/MailPlanet.com, Inc.*, WIPO Case No. [D2006-0006](#); *Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#); and WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 2.9.)

That Internet users who have a legitimate interest in seeking the Complainant could have been exposed to the PPC links of the Complainant's competitors, which may be confusing for consumers, and which could dilute the Complainant's SODEXO trademark.

That bad faith use may also result from the threat of an abusive use (phishing) of the disputed domain name by the Respondent (and cites *Conair Corp. v. Pan Pin, Hong Kong Shunda International Co. Limited*, WIPO Case No. [D2014-1564](#)).

That the unauthorized registration of the disputed domain name likely for fraudulent use was carried out for commercial gain and thus shall constitute bad faith registration.

B. Respondent

Even though the Respondent sent an email communication to the Center on January 23, 2025, communicating that the "domain had been deleted", this communication does not constitute a formal response to the Complaint.

6. Discussion and Findings

Paragraph 4(a) of the Policy sets out the three requirements that the Complainant must prove in order to successfully request remedies:

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

Given the Respondent's default and therefore, failure to specifically address the case merits as they relate to the three UDRP elements, the Panel may decide this proceeding based on the Complainant's undisputed factual allegations under paragraphs 5(f), 14(a), and 15(a) of the Rules (see *Joseph Phelps Vineyards LLC v. NOLDC, Inc., Alternative Identity, Inc., and Kentech*, WIPO Case No. [D2006-0292](#); *Encyclopaedia Britannica, Inc. v. null John Zuccarini, Country Walk*, WIPO Case No. [D2002-0487](#); see also [WIPO Overview 3.0](#), section 4.3).

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of the SODEXO trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The disputed domain name entirely reproduces the Complainant's SODEXO trademark. The Panel finds that the Complainant's SODEXO trademark is recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.7. It is also well established that the addition of a generic Top-Level Domain ("gTLD") ".online" is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, the disputed domain name is confusingly similar to the Complainant's SODEXO trademark 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. Specifically, the Respondent has failed to submit evidence of bona fide or legitimate noncommercial or fair use of the disputed domain name. No evidence was provided either in connection with the Respondent being commonly known by the disputed domain name.

The Panel notes that the disputed domain name is being used to resolve to a website with PPC links to websites of competitors of the Complainant. Therefore, no rights or legitimate interests can be found in favor of the Respondent. [WIPO Overview 3.0](#), section 2.9.

Therefore, 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.

The Complainant has ascertained its rights over the SODEXO trademark. The dates of registration of said trademark significantly precede the date of registration of the disputed domain name. Additionally, the Panel agrees with decisions rendered by previous panels in the sense that the SODEXO trademark is well-known. Previous panels appointed under the Policy have found that the mere registration of a domain name that is identical or confusingly similar to a famous trademark by an unaffiliated entity can in itself create a presumption of bad faith. [WIPO Overview 3.0](#), Section 3.1.4. This is so in the present case because the Complainant's SODEXO trademark is well-known and extensively used worldwide.

In the present case, the Panel notes that the fact that the Respondent registered the disputed domain name which entirely reproduces the Complainant's SODEXO trademarks, shows that the Respondent has targeted the Complainant, which constitutes opportunistic bad faith (see [WIPO Overview 3.0](#), section 3.2.1).

The Panel also notes that the disputed domain name resolves to a parked website comprising PPC links to competing websites. Therefore, this Panel considers that the Respondent is trying to capitalize on the reputation and goodwill of the Complainant by misleading Internet users, for commercial gain, to the website to which the disputed domain name resolves (and the websites to which the PPC links redirect) by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of said websites, which constitutes bad faith under paragraph 4(b)(iv) of the Policy (see [WIPO Overview 3.0](#), section 3.1.4; see also *Ustream.TV, Inc. v. Vertical Axis, Inc.*, WIPO Case No. [D2008-0598](#)). "The Respondent's use of the disputed domain name for a PPC parking page constitutes bad faith use because the Respondent is attracting Internet users to its website by causing confusion as to whether its website is, or is associated with, the Complainant or its services. This conduct disrupts the Complainant's business by diverting consumers away from the Complainant's website. The diversion is for the Respondent's commercial gain because the Respondent receives PPC revenue from those visitors to its website who click through to the advertising on the site. Thus, the Respondent's conduct constitutes classic bad faith registration and use under paragraph 4(b)(iv) of the Policy [...]"

Based on the available record, 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 <sodexoconstruction.online> be transferred to the Complainant.

/Kiyoshi Tsuru/

Kiyoshi Tsuru

Sole Panelist

Date: March 7, 2025