

ADMINISTRATIVE PANEL DECISION

Sodexo v. Mark Sodez

Case No. D2025-1063

1. The Parties

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

The Respondent is Mark Sodez, France.

2. The Domain Name and Registrar

The disputed domain name <sodexo-fr.net> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 14, 2025. On March 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 18, 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 (Domain Admin) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 20, 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 March 21, 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 March 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 17, 2025.

On April 11, 2025, the Complainant submitted additional arguments and supporting evidence regarding the fraudulent use of the disputed domain name in connection with a phishing scheme.

The Center appointed Nathalie Dreyfus as the sole panelist in this matter on April 29, 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, is a French corporation specializing in food services and facilities management. Employing 423,000 individuals, it provides daily services to 80 million consumers across 45 countries.

Historically, from 1966 to 2008, the company operated under the SODEXHO trademark and trade name. In 2008, it streamlined its branding by simplifying the spelling of its trademark and name from SODEXHO to SODEXO, accompanied by a logo update.

The Complainant owns several trademarks around the world namely:

- French trademark **sodexo** No. 073513766, dated July 16, 2007, duly renewed, and covering goods and services in classes 9, 16, 35, 36, 37, 38, 39, 41, 42, 43, 44, and 45;
- French trademark SODEXO No. 204697571, dated November 3, 2020, and covering goods and services in classes 7, 29, 30, 32, 33, and 35;
- European Union trademark SODEXO No. 008346462, dated February 1, 2010, duly renewed and covering goods and services in classes 9, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45;
- European Union trademark **sodexo** No. 006104657, dated June 27, 2008, duly renewed and covering goods and services in classes 9, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45;
- International **sodexo** trademark No. 964615, dated January 8, 2008, duly renewed, and covering goods and services in classes 9, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45 designating inter alia Australia, Belarus, Egypt, European Union, Iran (Islamic Republic of), Israel, Japan, Morocco, Norway, Russian Federation, Singapore, Türkiye, Ukraine, and United States of America;
- International trademark SODEXO No. 1240316, dated October 23, 2014, duly renewed, and covering goods and services in classes 9, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45 designating Iran (Islamic Republic of) and Mozambique.
- International trademark SODEXHO (figurative) No. 689106, dated January 28, 1998, duly renewed, covering goods and services in classes 16, 36, 37, 39, 41 and 42, and designating inter alia Algeria, Austria, Benelux, China, Denmark, Egypt, Finland, Germany, Greece, Hungary, Iceland, Italy, Japan, Monaco, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Spain, Sweden, Switzerland, Ukraine United Kingdom, and Viet Nam.

In addition, the Complainant operates multiple websites corresponding to or incorporating its trademarks, including: “www.sodexo.com”, “www.sodexoprestige.co.uk”, “www.sodexousa.com”, “www.sodexho.fr”, “www.sodexho.com” and others.

The disputed domain name <sodexo-fr.net> was registered on March 9, 2025. According to the Registrar’s verification, the disputed domain name is registered by Mark Sodez, residing in France. At the time of filing the Complaint, the disputed domain name resolved to a Registrar holding page and did not host any substantive content. After the filing of the Complaint, the disputed domain name has also been used for sending fraudulent emails.

Since the Respondent did not participate in the proceeding, nothing is known other than the Registrar-disclosed details of the Respondent.

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 its registered trademarks SODEXO and SODEXHO. The domain name reproduces the trademark SODEXO in its entirety, and the addition of the geographical element “-fr” (commonly understood as the abbreviation for France) does not dispel the impression of similarity. The Complainant underlines that the inclusion of such a descriptive or geographic term is insufficient to avoid a finding of confusing similarity, particularly given the trademark’s strong inherent distinctiveness and its well-established reputation worldwide.

Second, the Complainant alleges that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has never granted the Respondent any license, authorization or other right to use the SODEXO trademark in any manner. The Respondent is not commonly known by the name “Sodexo”, and there is no evidence that it owns any corresponding trademark rights or operates a legitimate business under that name.

Third, the Complainant argues that the disputed domain name was registered and is being used in bad faith.

According to the Complainant, 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 trademark SODEXO. Given the well-known character and reputation of the SODEXO/SODEXHO trademark, the Respondent obviously knew its existence when it registered the disputed domain name and knew that it had no rights or legitimate interests in the disputed domain name. The Complainant asserts that even if the disputed domain name, which has been recently created, does not presently have any active content, a passive holding of a domain name does not prevent a finding of bad faith. Furthermore, the Complainant has also provided supplementary documentary evidence demonstrating that the disputed domain name has been used as part of a fraudulent scheme involving identity theft further evidencing that the disputed domain name has been used in bad faith.

Accordingly, the Complainant requests that the disputed domain name be transferred to it.

B. Respondent

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

6. Discussion and Findings

A. Supplemental Filing

Pursuant to its powers under paragraphs 10 and 12 of the Rules, the Panel has decided to accept the Complainant’s supplemental filing. The Panel notes that the date of the fraudulent emails provided as evidence postdate the filing of the Complaint, therefore the Complainant would not have been able to provide this evidence at the time of filing.

B. 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 the SODEXO trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the SODEXO trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms – here, the geographic abbreviation “fr” – may bear on assessment of the second and third elements, the Panel finds that the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Finally, the extension “.net” is not to be taken into consideration when examining the identity or confusing similarity between the Complainant’s trademarks and the disputed domain name.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant’s registered trademark SODEXO.

The Panel finds the first element of the Policy has been established.

C. 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 rests with the Complainant, panels have recognized that demonstrating a lack of rights or legitimate interests on the part of the Respondent may entail the difficult task of “proving a negative,” requiring information that is often primarily within the knowledge or control of the Respondent. Accordingly, once a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production shifts to the respondent to produce evidence to the contrary. [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 failed to refute 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.

Indeed, the Panel finds that the Respondent, identified as Mark Sodez, has no known connection to the Complainant and is not commonly known by the name “Sodexo”. The Respondent has no rights in any corresponding trademark, corporate name, trade name, or domain name that would precede the Complainant’s rights. The Complainant has confirmed that it has never licensed, authorized, or otherwise permitted the Respondent to use the SODEXO or SODEXHO trademarks in any manner.

The disputed domain name resolves to the Registrar’s parking page, which contains no substantive content. Therefore, there is no evidence of any use of, or preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor of any legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service trademark at issue.

Additionally, the Panel finds that the Respondent is engaged in a phishing scheme, a practice intended to defraud victims into revealing personal and financial information. It has been demonstrated that the disputed domain name has been used for impersonating one of the Complainant’s employees from the purchasing team, in connection with fraudulent conduct, including scams involving fraudulent orders. Panels have held that such use of the domain name can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Finally, the Respondent had the opportunity to provide its arguments in support of its rights or legitimate interests in the disputed domain name. However, by failing to file a formal response, the Respondent has missed this opportunity and the Panel is entitled to draw such inferences from the Respondent's failure as it considers appropriate in accordance with paragraph 14(b) of the Rules.

The Panel finds the second element of the Policy has been established.

D. 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 sets out illustrative circumstances that, if present, constitute evidence of registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent was likely aware of the Complainant's trademark rights at the time of registration. The Panel finds that, in light of the reputation of the Complainant's prior registered SODEXO trademark and its reproduction in its entirety in the disputed domain name and the Respondent's impersonation of the Complainant's employee when sending fraudulent emails, the Respondent could not have been unaware of the Complainant's trademark (*Sidley Austin LLP v. Redacted for privacy, Whois Privacy Protection Foundation / Peter Wilson*, WIPO Case No. [D2021-0534](#)). Indeed, such awareness is indicative of bad faith registration as per established UDRP precedents.

Furthermore, under paragraph 4(b)(iv) of the Policy, bad faith is established where a respondent uses a domain name to intentionally attempt to attract, for commercial gain, Internet users by creating a likelihood of confusion with the complainant's trademark. Although the disputed domain name resolves to a Registrar's parking page with no substantive content, the Panel finds that the Complainant has provided credible evidence that it has recently been the victim of phishing and impersonation, proving that the disputed domain name has been used for fraudulent activities. Therefore, as recognized in [WIPO Overview 3.0](#), section 3.4, the threat of illegitimate or fraudulent use, including phishing or impersonation, is sufficient to establish bad faith.

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 <sodexo-fr.net> be transferred to the Complainant.

/Nathalie Dreyfus/

Nathalie Dreyfus

Sole Panelist

Date: May 12, 2025