

## ADMINISTRATIVE PANEL DECISION

Sodexo v. h

Case No. D2025-1617

### 1. The Parties

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

The Respondent is h, China.

### 2. The Domain Name and Registrar

The disputed domain name <sodexo.baby> is registered with Dynadot Inc (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 22, 2025. On April 23, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 24, 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 (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 25, 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 April 29, 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 May 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 21, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 22, 2025.

The Center appointed Christos A. Theodoulou as the sole panelist in this matter on May 28, 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 (prior called Sodexho Alliance) was founded in 1966. It is one of the largest companies in the world specialized in food services and facilities management. It has 423000 employees serving daily 80 million consumers in 45 countries. Sodexo is one of the largest employers worldwide, according always to the uncontested allegations of the Complainant.

Sodexo is the owner of numerous trademarks including the following:

1. International Trademark registration no. 964615 SODEXO, registered on January 8, 2008.
2. International Trademark registration no. 1240316 SODEXO registered on October 23, 2014.
3. European Union Trademark registration no. 008346462 SODEXO, filed on June 8, 2009, and registered on February 1, 2010.
4. European Union Trademark registration no. 006104657 SODEXO, filed on July 16, 2007, and registered on June 27, 2008.
5. International Trademark registration no. 689106 SODEXHO logo, registered on January 28, 1998.
6. International Trademark registration no. 694302 SODEXHO logo, registered on June 22, 1998.

From 1966-2008, Sodexo promoted its business under mark and tradename Sodexo-Sodexho worldwide.

Further, URDP panelists have recognized the well-known character of the SODEXO marks in recent cases.

The mark SODEXO is used in connection with, for example, food service and family management services, according to the uncontested allegations of the Complainant.

The Complainant also owns domain names corresponding to and/or containing Sodexo or Sodexho. The Complainant promotes its activities among other under the following domain names: <sodexo.com>, <sodexo.fr>, <sodexho.com>.

The SODEXO/SODEXHO mark is used and registered worldwide, according to the uncontested allegations of the Complainant.

The disputed domain name <sodexo.baby> was created on April 17, 2025.

The disputed domain name resolves to a parking page offering it for sale.

#### **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 prior trademarks SODEXO in which the Complainant has rights, that the Respondent lacks any rights or legitimate interests in respect of the disputed domain name, and that the Respondent must have known of the Complainant's trademarks and has registered and used the disputed domain name in bad faith.

Moreover, the Complainant alleges that the Respondent has no rights or legitimate interests in the disputed domain name, as the Respondent is not commonly known by the disputed domain name; that the Respondent has no relation to the Complainant in any way. The Complainant further alleges that the Respondent was neither licensed nor authorized to make any use of the Complainant's trademarks SODEXO or applied for registration of the disputed domain name by the Complainant.

The Complainant further asserts that, given the distinctiveness of the Complainant's trademarks and reputation, it is inconceivable that the Respondent could have registered the disputed domain name without actual knowledge of the Complainant's rights in the trademarks, which is evidence of bad faith.

The Complainant also contends that the disputed domain name could be used for phishing purposes by the Respondent, and that it is not possible to conceive any plausible actual or contemplated good-faith use of the disputed domain name by the Respondent.

## **B. Respondent**

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

## **6. Discussion and Findings**

The Panel shall now proceed to the analysis of the evidence in this case and shall decide if the Complainant has satisfied the three elements of paragraph 4(a) of the Policy.

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

The entirety of the SODEXO mark is reproduced within the disputed domain name.

Accordingly, the disputed domain name is identical to the Complainant's 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.

In particular and based on the available record, the Panel finds that the Respondent has not used the disputed domain name for a bona fide offering of goods or services; that the Respondent is not commonly known by the disputed domain name; and that the Respondent has not made a legitimate noncommercial or fair use of the disputed domain name.

Moreover, it is to be noted that the Respondent did not present evidence of any license or permission by the Complainant, with whom there seems to exist no relationship whatsoever.

In addition, the Panel notes that the composition of the disputed domain name, incorporating the Complainant's distinctive trademark in its entirety, carries a high risk of implied affiliation.

[WIPO Overview 3.0](#), section 2.5.1.

As a conclusion on this point, the Panel finds the second element of the Policy has been established and that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

### **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 disputed domain name was only been created since April 17, 2025, whereas the Complainant's trademarks were already widely known. From the evidence at hand, the Panel finds that the Respondent, when registering the disputed domain name, was aware of the Complainant's trademarks. Therefore, the Respondent's awareness of the Complainant's trademark rights at the time of registration suggests bad faith (See, *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#), *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#)).

Further, at the time of initial filing of the Complaint, the Respondent has used a privacy service, which, along with the above-mentioned circumstances, serves as further indication of bad faith registration and use (See [WIPO Overview 3.0](#), section 3.6).

The Panel finds the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark.

As a consequence of the above, 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.baby> be transferred to the Complainant.

/Christos A. Theodoulou/

**Christos A. Theodoulou**

Sole Panelist

Date: June 6, 2025