

## **ADMINISTRATIVE PANEL DECISION**

SODEXO v. Michael Brandon

Case No. D2025-1973

### **1. The Parties**

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

The Respondent is Michael Brandon, United States of America.

### **2. The Domain Name and Registrar**

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 16, 2025. On May 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 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 May 26, 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 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 23, 2025.

The Center appointed Gill Mansfield as the sole panelist in this matter on June 30, 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 (previously known as Sodexo Alliance) founded in 1966. It specialises in food services, providing restaurant and catering services to companies, hospitals, schools, universities and other organisations, and facilities management services, such as reception, hospitality and cleaning services and infrastructure maintenance services. It has 423,000 employees serving 80 million consumers in 45 countries. In the fiscal year 2024 had consolidated revenues of EUR 23.8 billion.

From 1966 to 2008 the Complainant promoted its business under the SODEXHO mark. In 2008 the Complainant simplified the spelling of its trademark to SODEXO.

The Complainant has a portfolio of international registrations for the SODEXO trademark, in addition to international trademark registrations for the Complainant's precursor trademark SODEXHO, including (inter alia) the following:

International trademark registration number 964615 for SODEXO (figurative mark) registered on January 8, 2008 in classes 9, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45.

European Union trademark registration number 008346462 for SODEXO (word mark) registered on February 1, 2010 in classes 9, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45.

European Union trademark registration number 006104657 for SODEXO (figurative mark) registered on June 27, 2008 in classes 9, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45.

The Complainant also owns numerous domain names corresponding to, or incorporating, the SODEXO mark through which the Sodexo Group promotes its activities, including <sodexo.com>, <sodexogroup.com>, <uk.sodexo.com>, <sodexoprestige.co.uk>, <sodexo.fr>, <sodexoca.com>, <sodexousa.com>, and <cn.sodexo.com>.

The disputed domain name was registered on May 8, 2025 and at the time of the filing of the Complaint resolved to a parked page containing pay-per-click (PPC) links relating to restaurants and food.

#### **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 identical or confusingly similar to the Complainant's trademarks. The Complainant asserts that the SODEXO / SODEXHO mark had a strong reputation and is widely known all over the world. It argues that the disputed domain name incorporates the SODEXO mark in its entirety with the addition of, what it refers to as, the generic word "group", which it asserts clearly refers to an affiliation with SODEXO. The Complainant contends that the addition of a generic or descriptive term does not change the fact that the disputed domain name is confusingly similar to the SODEXO mark.

The Complainant submits that the Respondent has no rights or legitimate interests in the disputed domain name. It submits that the Respondent was not commonly known by the disputed domain name prior to the adoption and use by the Complainant of the SODEXO mark. The Complainant also states that the Respondent does not have any affiliation, association, sponsorship or connection with the Complainant and has not been authorised, licensed or otherwise permitted by the Complainant, or by any subsidiary or affiliated company, to register or use the disputed domain name.

The Complainant further contends that the disputed domain name was registered and is being used in bad faith. It argues that the word SODEXO is purely fanciful and that no-one would choose this word unless they were seeking to create an association with the Complainant's activities and its SODEXO mark. It submits that given the well-known character and reputation of the SODEXO mark the Respondent knew of its existence when registering the disputed domain name, and registered the disputed domain name knowing it had no rights or legitimate interests in the disputed domain name. The Complainant asserts that the disputed domain name is being used in connection a parked page with PPC links to attract Internet users to websites of the Complainant's competitors and other websites. It contends that this is an intentional attempt by the Respondent to attract, for commercial gain Internet users to websites of the Complainant's competitors, and unrelated websites, by creating a likelihood of confusion with the Complainant's well-known SODEXO mark.

The Complainant also states that it has recently faced several "attacks" and "strongly fears" that the disputed domain name may be being used for fraudulent purposes, notably for phishing.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy the Complainant carries the burden of proving:

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

### **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 entirety of the SODEXO mark is reproduced 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.

Although the addition of other terms (here, the addition of the term "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.

The applicable Top-Level Domain (“TLD”) in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1. As such, the TLD “.info” in the disputed domain name is disregarded for the purposes of the first element confusing similarity test.

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 Panel notes that the Respondent does not have any affiliation, association or connection with the Complainant and has not been authorised, licensed or otherwise permitted by the Complainant, or by any subsidiary or affiliated company of the Complainant, to register or use the disputed domain name. The Respondent is not commonly known by the disputed domain name and there is no evidence of use, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, or of legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert customers. In fact, at the time that the Complaint was filed the disputed domain name resolved to a parked page with PPC links to competitor and other third party websites.

The use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalise on the reputation and goodwill of the complainant’s mark or otherwise mislead Internet users, [WIPO Overview 3.0](#), section 2.9.

The Panel also notes the composition of the disputed domain name, which is made up of the Complainant’s well-known SODEXO trademark with the addition of the descriptive term “group” and the TLD “.info”. The use of “group” in conjunction with the entirety of the Complainant’s SODEXO trademark creates the false impression that the disputed domain name is connected with the Complainant and its group of companies, or is in some way related to, associated, or affiliated with the Complainant and its SODEXO mark. The use of the “.info” TLD, which suggests that the disputed domain name may be a legitimate source of information in relation to the Sodexo group of companies, further reinforces this impression. The disputed domain name also mimics the Complainant’s genuine <sodexogroup.com> domain name, with only the TLD domain differing.

As such the Panel finds that the composition of the disputed domain name is such as to carry a risk of implied affiliation that cannot constitute fair use, as it effectively impersonates the Complainant, or suggests affiliation with, or sponsorship or endorsement by, the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Further, under paragraph 14(b) of the Rules, the Panel may draw from the lack of response of the Respondent such inferences as it considers appropriate. The Panel is of the view that the lack of response from the Respondent corroborates the absence of any rights or legitimate interests of the Respondent in the disputed domain name.

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 observes that the Complainant's rights in the distinctive SODEXO mark significantly pre-date the Respondent's registration of the disputed domain name.

Having reviewed the available record, the Panel finds that the Complainant and its SODEXO trademark is widely-known across the world. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

In view of the worldwide reputation in the Complainant's trademark and the composition of the disputed domain name (discussed in more detail above), the Panel finds that it is highly implausible that the Respondent was unaware of the Complainant and the Complainant's trademark when it registered the disputed domain name, and registered the disputed domain name with the Complainant's brand and mark in mind.

As already noted above by the Panel, the record shows that the disputed domain name resolves to a parked page containing PPC links to competitor and third party websites. This constitutes bad faith under paragraph 4(b)(iv) of the Policy. The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation or endorsement.

Having reviewed the available record, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith under 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 <sodexogroup.info> be transferred to the Complainant.

*/Gill Mansfield/*

**Gill Mansfield**

Sole Panelist

Date: July 9, 2025