ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
SODEXO v. Clark Smith, Vemobli
Case No. D2025-1976

1. The Parties

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

The Respondent is Clark Smith, Vemobli, United States of America.

2. The Domain Name and Registrar

The disputed domain name <sodexo-link.cfd> is registered with NameSilo, LLC (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 19, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 13, 2025.

The Center appointed Alexander Duisberg as the sole panelist in this matter on June 19, 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 company specialized 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 for SODEXO around the world, including the following registered marks (referred as the "Mark"):

- International trademark registration n° 964615 registered on January 8, 2008, in international classes 9, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45 protected in the following jurisdictions: Algeria, Armenia, Australia, Azerbaijan, Bosnia and Herzegovina, Bahrain, Belarus, China, Democratic People's Republic of Korea, Egypt, European Community, Iran (Islamic Republic of), Iceland, Israel, Japan, Kyrgyzstan, Kazakhstan, Lesotho, Monaco, Mongolia, Montenegro, Morocco, Republic of Korea, Republic of Moldova, Russian Federation, Norway, Serbia, Singapore, Switzerland, Türkiye, Ukraine, United States of America, Uzbekistan and Viet Nam;

- International trademark registration n° 1240316 registered on October 23, 2014, in international classes 9, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45, and protected in the following countries: Iran (Islamic Republic of) and Mozambique;

- European Union trademark registration n° 008346462 registered on February 1, 2010, in international classes 9, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45;

- European Union trademark registration n° 006104657 registered on June 27, 2008, in international classes 9, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45;

The Complainant owns numerous domain names corresponding to and/or containing Sodexo or Sodexho. Sodexo group promotes its activities among others under the following domain names:

<sodexo.com>, <uk.sodexo.com>, <sodexoprestige.co.uk>, <sodexo.fr>, <sodexoca.com>, <sodexousa.com>, <cn.sodexo.com>, <sodexho.fr>, <sodexho.com>

The disputed domain name was registered on May 7, 2025.

At the time of filing the Complaint, the disputed domain name resolved to an inactive webpage and did not host any substantive content. 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 the Complainant's Mark. Given the identical reproduction of the SODEXO mark, the public will believe that the disputed domain name comes from SODEXO group or is linked to SODEXO. The Complainant states that it has recently faced several attacks. The Complainant fears a fraudulent use of the disputed domain name, notably to perpetrate email scams sent to its employees or to its clients requesting payment of false invoices

on fake Sodexo bank accounts or to order products to the Complainant's clients for considerable amounts by impersonating the Complainant's employees.

The Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant contends that the Respondent was not commonly known by the concerned domain name prior to the adoption and use by the Complainant of the corporate name, business name and mark. Moreover, 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 or by any subsidiary or affiliated company to register the disputed domain name and to use it.

The Complainant states that the Respondent registered and uses the disputed domain name in bad faith. The Complainant contends that the Respondent registered the disputed domain name with actual knowledge of the Complainant's rights in the mark SODEXO very likely for the purpose of creating confusion with the Complainant's mark to divert or mislead third parties for the Respondent's illegitimate profit.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove each of the following:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

The Panel acknowledges the consensus view that the Respondent's default to respond to the Complaint does not automatically result in a decision in favor of the Complainant. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("WIPO Overview 3.0"), section 4.3.

Although the Panel may draw appropriate inferences from the Respondent's default (e.g., to regard factual allegations which are not inherently implausible as being true), paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in the UDRP proceeding. In view of the Panel, the Complainant has established sufficient evidence in its favor in the case at hand.

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 a trademark or service mark for the purposes of the Policy. WIPO Overview 3.0, section 1.2.1.

The entirety of the 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, "link") 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.

Numerous UDRP decisions have confirmed that a disputed domain name is confusingly similar to a complainant's mark where the disputed domain name incorporates the complainant's mark in its entirety (see *Ansell Healthcare Products Inc. v. Australian Therapeutics Supplies Pty, Ltd.*, WIPO Case No. D2001-0110; *eBay Inc. v. ebayMoving / Izik Apo*, WIPO Case No. D2006-1307; *Compagnie Générale des Etablissements Michelin v. Christian Viola*, WIPO Case No. D2012-2102; *The Chancellor, Masters and Scholars of the University of Oxford v. Oxford College for PhD Studies*, WIPO Case No. D2015-0812; *Banca Mediolanum S.p.A. v. Domains By Proxy, LLC / Marzia Chiarello*, WIPO Case No. D2020-1955; *Skyscanner Limited v. Host Master, Transure Enterprise Ltd*, WIPO Case No. D2021-1948; *Skyscanner Limited v. Wei Meng Chan,* WIPO Case No. D2023-1073; *Aldo Group International GmbH v. Zhang Qiang*, WIPO Case No. D2024-1311).

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 (see *Skipton Building Society v. skiptonassetmanagement.com, Private Registration,* WIPO Case No. D2011-0222; *Wal-Mart Stores, Inc. v. WalMart Careers, Inc.,* WIPO Case No. D2012-0285; *B-Boy TV Ltd v. bboytv.com c/o Whois Privacy Service / Chief Rocka LTD, formerly named BreakStation LTD.,* WIPO Case No. D2012-2006; *OSRAM GmbH. v. Mohammed Rafi/Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org,* WIPO Case No. D2015-1149; *Streamotion Pty Ltd v. Ovi Khan,* WIPO Case No. D2022-3784; *Canva Pty Ltd v. JOSE VALDIR DE LIMA,* WIPO Case No. D2023-1736; *Evolution AB v. tom scholes,* WIPO Case No. D2023-2030).

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 Complainant credibly submits that it has never authorized, licensed, or permitted the Respondent to use the disputed domain name incorporating its well-reputed Mark.

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 notes that the Respondent wants to benefit of the reputation of the Mark.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. WIPO Overview 3.0, section 3.3. Having

reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy. In addition, the Complainant is the owner of the domain name <sodexolink.com>, which connects to the official platform for its employees.

The Complainant's Mark has a strong reputation and a well-known character. The Respondent has provided no evidence whatsoever of any actual or contemplated good faith use by it of the disputed domain name. The similarity of the disputed domain name with Complainant's Mark intended to divert or mislead potential web users from the Complainant's website they are actually trying to visit. The unauthorized registration of the disputed domain name by the Respondent and its holding, constitute bad faith registration and use (see *Telstra Corporation Limited v. Nuclear Marshmallows,* WIPO Case No. D2000-0003; *Jupiters Limited v. Aaron Hall,* WIPO Case No. D2000-0574; *"Dr. Martens" International Trading GmbH and "Dr. Maertens" Marketing GmbH v. Godaddy.com, Inc.,* WIPO Case No. D2017-0246).

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-link.cfd> be transferred to the Complainant.

/Alexander Duisberg/
Alexander Duisberg
Sole Panelist
Date: July 3, 2025