ADMINISTRATIVE PANEL DECISION

Sodexo v. Jimmy Gerry, Elklor France
Case No. D2026-2258

1. The Parties

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

The Respondent is Jimmy Gerry, Elklor France, France.

2. The Domain Name and Registrar

The disputed domain name <scodexo.com> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 26, 2026. On May 27, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 27, 2026, 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 (Unknown, The RDAP server redacted the value) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 27, 2026, 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 29, 2026.

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 June 3, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 23, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 24, 2026.

The Center appointed Alexandre Nappey as the sole panelist in this matter on July 2, 2026. 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 the French company SODEXO, founded in 1966, which is one of the largest companies in the world specialized in food services and facilities management, with more than 426 000 employees serving daily 80 million consumers in 43 countries.

The Complainant is the owner of numerous SODEXO trademarks around the world, among which:

- SODEXO French word mark registered on March 12, 2021, under No. 4697571, and duly renewed ; and
- SODEXO European Union word mark registered on February 1, 2010, under No. 008346462, and duly renewed.

The Complainant is also the owner of numerous domain names among which <sodexo.com> and <sodexo.fr>.

The disputed domain name <scodexo.com> was registered on May 13, 2026.

At the time of the present Decision, it is not active.

According to the Complainant, it used to resolve a landing page provided by the Registrar.

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 similar to its earlier trademark SODEXO to the point of creating confusion: given the almost identical reproduction of the SODEXO trademark, the public will believe that the disputed domain name belongs to the Complainant.

Then, the Complainant claims that the Respondent has no rights or legitimate interests in respect of the disputed domain name. Indeed, the disputed domain name is registered in the name of the Respondent who is unknown to the Complainant and who has no rights in SODEXO as corporate name, trade name, shop sign, mark or disputed domain name that would be prior to the Complainant's rights on SODEXO.

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.

Third, the Complainant submits in substance that the disputed domain name was registered and is being used in bad faith under the passive holding doctrine.

B. Respondent

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

6. Discussion and Findings

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 Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The disputed domain name contains the SODEXO trademark with the only difference being the addition of the sole letter "c" in second position, which is very discrete visually. The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7. Further, a domain name which consists of a variation of a trademark (typically a common, obvious, or intentional misspelling, referred to as typosquatting) is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. WIPO Overview 3.1, section 1.9.

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 that 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 3.1, 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 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.

Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a well-known trademark, and particularly in the case of coined or fanciful marks, can by itself create a presumption of bad faith. WIPO Overview 3.1 section 3.1.4

In the present case, considering that the Complainant has established goodwill and reputation on its SODEXO trademark, and in view of the composition of the disputed domain name which incorporates the Complainant's SODEXO trademark in its entirety with the mere addition of one single letter "c", the Panel considers that the Respondent had necessarily the Complainant's trademark in mind when it registered the disputed domain name.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. WIPO Overview 3.1, section 3.3.

Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark 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.

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 <scodexo.com> be transferred to the Complainant.

/Alexandre Nappey/
Alexandre Nappey
Sole Panelist
Date: July 15, 2026