ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

PANEL DECISION

SOGERES v. toni serge olivier
Case No. DEU2026-0020

1. The Parties

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

The Respondent is toni serge olivier, France.

2. The Domain Name, Registry and Registrar

The Registry of the disputed domain name <sogeres-distributions.eu> is the European Registry for Internet Domains ("EURid" or the "Registry").

The Registrar of the disputed domain name is http.net Internet GmbH.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 12, 2026. On May 12, 2026, the Center transmitted by email to the Registry a request for registrar verification in connection with the disputed domain name. On May 13, 2026, the Registry 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on May 15, 2026, providing the registrant and contact information disclosed by the Registry, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on May 18, 2026.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .eu Alternative Dispute Resolution Rules (the "ADR Rules") and the World Intellectual Property Organization Supplemental Rules for .eu Alternative Dispute Resolution Rules (the "Supplemental Rules").

In accordance with the ADR Rules, Paragraph B(2), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on May 22, 2026. In accordance with the ADR Rules, Paragraph B(3), the due date for Response was June 11, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 12, 2026.

The Center received third-party communications on May 27, 2026, alleging a potential identity theft. The Center acknowledged receipt of the emails and indicated that the emails would be brought to the Panel's attention and it is the Panel's role to decide this claim regarding identity theft.

The Center appointed Christiane Féral-Schuhl as the sole panelist in this matter on June 24, 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 ADR Rules, Paragraph B(5).

4. Factual Background

The Complainant, Sogeres, is a French provider of food and corporate catering services founded in 1934, operating in the corporate and administrative, education, and healthcare sectors. The Complainant is part of the Sodexo group and owns 960 restaurants, serving 360.000 meals a day.

The Complainant is the owner of several registered trademarks (the “SOGERES Trademarks”), including the following:

- the French word trademark SOGERES, No 1667699, registered on May 28, 1991, and regularly renewed, for products and services in classes 21, 29, 30, 35, 39, 40, 41, 43, 44 and 45;

- the French word and device trademark sogeres, No 4475452, registered on August 9, 2018, for products and services in classes 29, 30, 35, 41, 43, and 44;

- the European Union word trademark SOGERES, No 012627261, registered on July 21, 2014, for products and services in classes 21, 29, 30, 35, 39, 40, 41, 43, 44 and 45.

The Complainant is also the owner of several domain names corresponding to or containing the SOGERES Trademarks, including <sogeres.fr>.

The disputed domain name was registered on April 7, 2026, and resolves to an inactive webpage.

The Respondent is apparently located in France.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the ADR Rules for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the SOGERES Trademarks in which the Complainant has rights since it incorporates the SOGERES Trademark in its entirety with the addition of the generic element “distributions”. The Complainant stands that the addition of this generic word is inoperative to distinguish the disputed domain name from the SOGERES Trademarks, as the SOGERES Trademark is dominant and keeps its individuality.

The Complainant further argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name, since it is not a corporate name, trade name, shop sign, mark or domain name that would be prior to the Complainant’s rights on the SOGERES Trademarks. The Complainant indicates that the Respondent was not commonly known by the disputed domain name prior to the adoption and use by the Complainant of the corporate name and the SOGERES Trademarks. Moreover, the Complainant states that 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

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant explains that the sign SOGERES 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 SOGERES Trademarks. The Complainant underlines that the SOGERES Trademarks are well known. The Complainant further notes that even if the disputed domain name, which has been recently created, does not currently appear to point to a website with active content, a passive holding of a domain name does not prevent a finding of bad faith. The Complainant adds that the name under which the Respondent registered the disputed domain name is currently involved in a UDRP complaint against the Complainant's mother's company Sodexo and was also involved in another case.

B. Respondent

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

6. Discussion and Findings

Alleged identity theft

Before addressing the merits of the case, the Panel would like to address the third-party communication regarding alleged identity theft. First, it is necessary to point out that there is no evidence of such identity theft in the case file, and that the Panel has no means to determine if such allegations are true or not. However, this communication was not sent from the Respondent's email address as provided by the Registry. Consequently, the Panel will disregard this communication and has decided not to redact the Respondent's name from this Decision.

A. Identical or Confusingly Similar to a name in respect of which a right or rights are recognized or established by national law of a Member State and/or European Union law

According to the ADR Rules, Paragraph B(11)(d)(1)(i), the Complainant shall prove that the disputed domain name is identical or confusingly similar to a name in respect of which a right is recognized or established by the national law of a Member State and/or European Union law.

First, the Panel finds that the Complainant has provided evidence that it has rights in the SOGERES Trademarks.

Then, the Panel notices that the disputed domain name is wholly and exclusively composed of (i) the SOGERES Trademark, to which have only been added a hyphen, the generic term "distributions" and the ".eu" Top-Level Domain ("TLD").

The Panel wishes to remind that, according to ADR panels, the panel's assessment consists of a comparison between the disputed domain name and the name for which a right is recognized or established by national law of a Member State and/or European Union law, the ".eu" TLD should be disregarded when assessing identity or confusing similarity, and the use of a hyphen between words does not prevent a finding of confusing similarity (see sections 1.7, 1.8 and 1.11 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"))[1].

[1] Considering the substantive similarities between the ADR Rules and the Uniform Domain Name Dispute Resolution Policy ("UDRP"), the Panel also refers to UDRP case law and analysis where appropriate.

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. This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. Although each case is judged on its own merits, in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of the ADR Rules (WIPO Overview 3.1, section 1.7).

Regarding the disputed domain name, the Panel finds that it wholly incorporates the SOGERES Trademark. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the ADR Rules.

Although the addition of other terms, here, “distributions”, may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the ADR Rules (WIPO Overview 3.1, section 1.8).

Therefore, the Panel holds that the Complainant has established the first element of Paragraph B(11)(d)(1)(i) of the ADR Rules and that the disputed domain name is confusingly similar to the Complainant’s SOGERES Trademark.

B. Rights or Legitimate Interests

According to the ADR Rules, Paragraph B(11)(d)(1)(ii), the Complainant shall demonstrate that the disputed domain name has been registered by the Respondent without it having rights or legitimate interests in the disputed domain name.

The ADR Rules, Paragraph B(11)(e), outlines a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

According to prior ADR panel decisions concerning the burden of proof regarding a lack of rights or legitimate interests, the complainant only needs to establish a prima facie case and then the onus shifts to the respondent to rebut the assertion that the respondent lacks rights or legitimate interests. 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).

Here, having reviewed the available record, the Panel finds that 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 ADR Rules or otherwise.

In particular, there is no evidence that the Respondent has been authorized by the Complainant to use the SOGERES Trademarks or to register a domain name incorporating them. Nor is there any indication that the Respondent is commonly known by the disputed domain name or by the term “Sogeres”. Furthermore, the disputed domain name does not appear to have been used in connection with a bona fide offering of goods or services and instead resolves to an inactive webpage.

Therefore, the Panel concludes that the Respondent does not have rights or legitimate interests in the disputed domain name.

C. Registered or Used in Bad Faith

According to the ADR Rules, Paragraph B(11)(d)(1)(iii), the Complainant shall prove that the disputed domain name has been registered or is being used in bad faith.

The Panel notes that, for the purposes of Paragraph B(11)(d)(1)(iii) of the ADR Rules, Paragraph B(11)(f) 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 SOGERES Trademarks were registered long before the disputed domain name. The disputed domain name wholly incorporates the Complainant's SOGERES Trademark together with the term "distribution". The Panel considers it unlikely that the Respondent selected this combination independently of the Complainant, particularly given the distinctive nature of the term "sogeres". In these circumstances, the Panel finds it more likely than not that the Respondent was aware of the Complainant and its SOGERES Trademarks rights when registering the disputed domain name.

The Panel further notes that the disputed domain name currently resolves to an inactive webpage. However, panels have found that the non-use of a domain name 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 ADR Rules (WIPO Overview 3.1, section 3.3).

Having reviewed the available record, the Panel notes the distinctiveness of the Complainant's trademark, and the composition of the disputed domain name, which reproduces the Complainant's SOGERES Trademark in its entirety, the Respondent's apparent awareness of the Complainant and its trademark rights, and the circumstances noted above, the Panel finds that the passive holding of the disputed domain name does not prevent a finding of bad faith under the ADR Rules.

The Panel also takes into account that the Respondent has been involved in other domain name disputes relating to domain names incorporating signs associated with the Complainant and its corporate group. This includes proceedings concerning the domain name <sogerescorporate.com> (*SOGERES v. toni serge olivier*, WIPO Case No. D2026-2100), which reproduces trademarks of the Complainant's group. Although these circumstances are not conclusive in themselves, they may be indicative of a broader pattern of conduct targeting trademarks associated with the Complainant's corporate group and lend further support to the Panel's finding of bad faith.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith.

7. Decision

For the foregoing reasons, in accordance with Paragraph B(11) of the ADR Rules, the Panel orders that the disputed domain name <sogeres-distributions.eu> be transferred to the Complainant[2].

/Christiane Féral-Schuhl/
Christiane Féral-Schuhl
Sole Panelist
Date: July 3, 2026

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[2] (i) The decision shall be implemented by the Registry within thirty (30) days after the notification of the decision to the Parties, unless the Respondent initiates court proceedings in a Mutual Jurisdiction, as defined in Paragraph A(1) of the ADR Rules.

(ii) The Complainant is a French company established in the European Union, it satisfies the general eligibility criteria for registration set out in Article 3 of Regulation (EU) 2019/517.