

ADMINISTRATIVE PANEL DECISION

Sodexo v. paneendar V
Case No. D2023-3531

1. The Parties

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

The Respondent is paneendar V, India.

2. The Domain Name and Registrar

The disputed domain name <sodoxe.cloud> 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 August 21, 2023. On August 22, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 23, 2023, 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 (Domain Admin, Privacy Protect, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 23, 2023, 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 August 24, 2023.

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 August 29, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 18, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 19, 2023.

The Center appointed Alan L. Limbury as the sole panelist in this matter on October 2, 2023. 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

Founded in 1966, the Complainant is one of the largest companies in the world specialized in food services and facilities management. It has numerous registrations for the mark SODEXO, e.g., European Union Trade Mark (“EUTM”) Registration No. 008346462, registered on February 1, 2010.

The disputed domain name <sodoxe.cloud> was registered on August 8, 2023. It does not resolve to an active website. On August 9, 2023, an email was sent from “[...]@sodoxe.cloud” to an employee of the Complainant, signed “Best regards, ITTeam Sodexo”.

5. Parties’ Contentions

A. Complainant

The disputed domain name <sodoxe.cloud> is confusingly similar to the Complainant’s famous SODEXO mark. The Respondent has no rights or legitimate interests in respect of the disputed domain name, which was registered and is being used fraudulently in bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

Paragraph 4(a) of the Policy requires that the Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

- (1) the domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (2) the Respondent has no rights or legitimate interests in respect of the domain name; and
- (3) the domain name has been registered and is being used in bad faith.

In view of the Respondent’s failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the Complainant’s undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences as it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations set forth in a complaint; however, the Panel may deny relief where a complaint contains mere conclusory or unsubstantiated arguments. See The WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition [“WIPO Overview 3.0”](#) at section 4.3.

A. Identical or Confusingly Similar

The Complainant has shown that it has rights in the SODEXO mark through numerous registrations in many jurisdictions, e.g., EUTM Registration No. 008346462, registered on February 2, 2010.

The Panel notes that in *SODEXO v. Contact Privacy Inc. Customer 1246053778 / Edwin Smith*, WIPO Case No. [D2020-0566](#), the domain name <sodoxe.com> was found to be confusingly similar to the Complainant's SODEXO trademark.

The Panel finds the Respondent's <sodoxe.cloud> disputed domain name to be confusingly similar to the Complainant's SODEXO mark, only differing by the transposition of the vowels "e" and "o", which does not prevent the mark from being recognizable in the disputed domain name. The inconsequential ".cloud" generic Top-Level Domain ("gTLD") may be ignored. See, for example, *Rollerblade, Inc. v. Chris McCrady*, WIPO Case No. [D2000-0429](#).

The Complainant has established this element.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy sets out three illustrative circumstances as examples which, if established by the Respondent, shall demonstrate rights to or legitimate interests in the disputed domain name for the purposes of paragraph 4(a)(ii) of the Policy, i.e.,

(i) before any notice to the Respondent of the dispute, the use by the Respondent of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or

(ii) the Respondent (as an individual, business or other organization) has been commonly known by the domain name, even if the Respondent has acquired no trademark or service mark rights; or

(iii) the Respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert customers or to tarnish the trademark or service mark at issue.

The disputed domain name was registered on August 8, 2023, many years after the Complainant has shown that its SODEXO mark had been registered and become well known worldwide. Next day it was used to send an email from "[...]@sodoxe.cloud" to an employee of the Complainant, purporting to be from the Complainant's IT Team, announcing the introduction of a new Single Sign-On (SSO) system for all services "which means that you will now be able to access all your accounts and services with just one set of credentials".

These circumstances are sufficient to constitute a *prima facie* showing of absence of rights or legitimate interests in respect of the disputed domain name on the part of the Respondent. The evidentiary burden therefore shifts to the Respondent to show that it does have rights or legitimate interests in the <sodoxe.cloud> disputed domain name. The Respondent has made no attempt to do so.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainant has established this element.

C. Registered and Used in Bad Faith

The four illustrative circumstances set out in paragraph 4(b) of the Policy as evidence of the registration and use of a domain name in bad faith for purposes of paragraph 4(a)(iii) are not exclusive.

The circumstances set out above in relation to the second element satisfy the Panel that the Respondent was fully aware of the Complainant's SODEXO mark when the Respondent registered the <sodoxe.cloud> disputed domain name and that the Respondent has registered and is using the disputed domain name in bad faith for the purpose of fraudulently impersonating an employee of the Complainant.

The Complainant has established this element.

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, <sodoxe.cloud> be transferred to the Complainant.

/Alan L. Limbury/

Alan L. Limbury

Sole Panelist

Date: October 6, 2023