

ADMINISTRATIVE PANEL DECISION

Sodexo v. Compsys Domain, Compsys Domain Solutions Private Limited
Case No. D2023-4841

1. The Parties

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

Respondent is Compsys Domain, Compsys Domain Solutions Private Limited, India.

2. The Domain Name and Registrar

The disputed domain name <sodexousajobs.com> is registered with Tirupati Domains and Hosting Pvt Ltd. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 21, 2023. On November 24, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 25, 2023, 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 Respondent of the Complaint, and the proceedings commenced on November 29, 2023. In accordance with the Rules, paragraph 5, the due date for Response was December 19, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on December 22, 2023.

The Center appointed Jeffrey M. Samuels as the sole panelist in this matter on December 28, 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

Complainant Sodexo (formerly Sodexho Alliance) is one of the largest companies in the world specialized in food services and facilities management, with 430,000 employees serving 80 million customers in 45 countries. Complainant owns several trademark registrations covering its SODEXO mark. These include Indian trademark registration No.1635770, registered on December 28, 2007; international trademark registration No. 964615, registered on January 8, 2008; and European trademark registration No. 008346462, registered on February 1, 2010. Complainant also owns numerous domain names corresponding to and/or containing the SODEXO trademark, including <sodexo.com> and <sodexousa.com>.

The disputed domain name, <sodexousajobs.com>, was registered on November 9, 2017, and resolves to a pay-per-click (PPC) parking page connecting to Complainant's competitors' websites for food service jobs.

5. Parties' Contentions

A. Complainant

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

Complainant contends that the disputed domain name is confusingly similar to its SODEXO trademark. It points out that the disputed domain name incorporates the SODEXO mark in its entirety with the addition of the non-distinctive elements "usa" and "jobs".

Complainant further asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name. It maintains that Respondent is not commonly known by the disputed domain name and is not affiliated, sponsored by, or connected with Complainant and is not authorized, licensed, or otherwise permitted to register the disputed domain name.

With respect to the issue of "bad faith" registration and use, Complainant asserts that given the well-known reputation of its SODEXO mark, Respondent knew of the mark's existence when he registered the disputed domain name and contends that Respondent is using the using the disputed domain name by exploiting the well-known SODEXO mark to attract Internet users and to incite them to click on competitors' commercial links.

B. Respondent

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 Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Based on the available record, the Panel finds 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 Panel finds 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 the terms “usa” and “jobs” in the disputed domain name 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 Policy. [WIPO Overview 3.0](#), section 1.8. See *Sodexo v. Super Privacy Services LTD c/o Dynadot/Zhichao*, WIPO Case No. [D2020-3539](#) (the domain name <sodexousacareers.com> is confusingly similar to Complainant's trademark Sodexo); *Sodexo v. Contact Privacy In. Customer 12411787520/Amanda Lee*, WIPO Case No. [D2022-0200](#) (the domain name <sodexojobs.net> is confusingly similar to Complainant's trademark Sodexo).

Based on the available record, 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 Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

Based on the available record, 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 finds that the use of the disputed domain name in connection with PPC parking links to Complainant's competitors' websites is evidence of bad faith use. The evidence further establishes that, by registering the disputed domain name, Respondent intentionally attempt to attract, for commercial gain, Internet users to its site or other sites by creating a likelihood of confusion as to source, sponsorship, endorsement, or affiliation of such site(s) and of the information found on such site(s), as set forth in paragraph 4(c)(iv) of the Policy.

Finally, given the well-known nature and reputation of Complainant's SODEXO mark in countries around the world, including Respondent's home country, India, it is inconceivable that Respondent was not aware of Complainant and of its SODEXO mark at the time he registered the disputed domain name. See *Sodexo v. Ashutosh Dwivedi, Food & Beverages*, WIPO Case No. [D2020-2686](#) (The mark is sufficiently distinctive and

well known such that it is difficult to conceive of any use that the respondent might make of the disputed domain name without complainant's consent that would not involve bad faith). The evidence indicates that the disputed domain name was not registered until 2017, many years after registration of the SODEXO mark in India and elsewhere.

Based on the available record, the Panel finds the third element of the Policy has been established.

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 <sodexousajobs.com> be transferred to Complainant.

/Jeffrey M. Samuels/

Jeffrey M. Samuels

Sole Panelist

Date: January 11, 2024