

ADMINISTRATIVE PANEL DECISION

Pluxee International v. 钱梦聘 (Meng Dan Qian)
Case No. D2024-0368

1. The Parties

Complainant is Pluxee International, France, represented by Areopage, France.

Respondent is 钱梦聘 (Meng Dan Qian), China.

2. The Domain Name and Registrar

The disputed domain name <pluxeebenefitscenter.com> (the “Domain Name”) is registered with Chengdu West Dimension Digital Technology Co., Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on January 26, 2024. On January 29, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 30, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Unknown) and contact information in the Complaint. The Center sent an email communication to Complainant on January 30, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint in English on February 2, 2024.

On January 30, 2024, the Center informed the parties in Chinese and English, that the language of the registration agreement for the Domain Name is Chinese. On February 1, 2024, Complainant confirmed its request that English be the language of the proceeding. Respondent did not submit any comment on Complainant’s submission.

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 Respondent in English and Chinese of the Complaint, and the proceedings commenced on February 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 25, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on February 26, 2024.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on March 1, 2024. 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 Sodexo Group specializes in foodservices, facilities management, and benefit and reward services, with 430,000 employees serving 80 million consumers in 45 countries. Complainant Pluxee International is Sodexo Group's branch company specializing in benefit and reward services, which were developed in France in 1976. Complainant expanded its activities globally in the following years and acquired key companies to strengthen its capabilities in employee engagement and recognition. Complainant now provides employee benefits services, ranging from meal, food, and gift to mobility benefits and rewards, recognition and engagement programs as well as public benefits services. In 2022, Complainant's benefit and rewards services section received revenues of EUR 865 million. Complainant delivers over 250 products to 36 million consumers through 500,000 clients connected to 1,7 million affiliated merchants in 31 countries.

The PLUXEE mark is used in connection with Complainant's benefits and rewards services, including employee benefits services to attract, engage, and retain employees, digitalization of benefits & rewards services, incentives and recognition services, public benefits services to manage and control the distribution of aid and public subsidies, fuel and fleet and expense management services. The PLUXEE mark is also widely used and known in China.

Complainant owns numerous registered marks with the PLUXEE mark, held in the name of Sodexo Pass International, Complainant's former name, and includes:

- French trademark registration number 4905284 for the PLUXEE word mark, registered on October 14, 2022; and
- International trademark registration number 1706936 for the PLUXEE word mark, registered on November 2, 2022, designating various countries including China, where Respondent is located.

According to Complaint, Complainant also owns numerous domain names with the PLUXEE mark, such as: <pluxeeegroup.com>, <pluxee.net>, <pluxee.info>, <pluxee.biz>, <pluxee.org>, <pluxee.eu>, <pluxee.fr>, <pluxee.asia>, <pluxee.at>, <pluxee.be>, <pluxee.com.br>, <pluxee.ca>, <pluxee.cl>, <pluxee.co>, <pluxee.cz>, <pluxee.de>, <pluxee.fi>, <pluxee.id>, <pluxee.in>, <pluxee.io>, <pluxee.it>, <pluxee.ma>, <pluxee.mx>, <pluxee.nl>, <pluxee.pl>, <pluxee.pt>, <pluxee.ro>, <pluxee.ru>, <pluxee.se>, <pluxee.com.tr>, <pluxee.com.ua>, <pluxee.uk>, and <pluxee.us>.

The Domain Name was registered on January 20, 2024, and at the time of the filing of the Complaint, reverted to a webpage with a banner prominently featuring "PLUXEEBENEFITSCENTER.COM" with pay-per-click ("PPC") advertising links to third party websites. At the time of the Decision, the Domain Name reverts to a locked or error page.

5. Parties' Contentions

A. Complainant

Complainant contends that (i) the Domain Name is identical or confusingly similar to Complainant's trademarks; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that it has trademark registrations for PLUXEE and that Respondent registered and is using the Domain Name with the intention to confuse Internet users looking for bona fide and well-known PLUXEE products and services.

Complainant notes that it has no affiliation with Respondent, nor authorized Respondent to register or use a domain name, which includes Complainant's trademark, and that Respondent has no rights or legitimate interests in the registration and use of the Domain Name. Rather, Complainant contends that Respondent has acted in bad faith in registering and setting up the Domain Name, when Respondent clearly knew of Complainant's rights.

B. Respondent

Respondent did not formally reply to Complainant's contentions.

6. Discussion and Findings

6.1. Preliminary Issue: Language of the Proceeding

The Rules, in paragraph 11(a), provide that unless otherwise agreed by the parties or specified otherwise in the registration agreement between the respondent and the registrar in relation to the disputed domain name, the language of the proceeding shall be the language of the registration agreement, subject to the authority of the panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

Complainant submitted its original Complaint in English. In its email dated February 1, 2024, and amended Complaint, Complainant submitted its request that the language of the proceeding should be English. According to the information received from the Registrar, the language of the Registration Agreement for the Domain Name is Chinese.

Complainant submits that Complainant is unable to communicate in Chinese; that the Domain Name is formed in Latin script; and that holding the proceeding in Chinese would cause considerable extra expense and burden on Complainant, causing delay to the proceedings.

In exercising its discretion to use a language other than that of the Registration Agreement for the Domain Name, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both Parties, taking into account all relevant circumstances of the case, including matters such as the Parties' ability to understand and use the proposed language, time and costs.

The Panel accepts Complainant's submissions regarding the language of the proceeding. The Panel also notes that the Domain Name does not have any specific meaning in the Chinese language, and that the Domain Name contains Complainant's PLUXEE trademark in its entirety, and the addition of the English words "benefitscenter" to Complainant's trademark in the Domain Name, all of which indicate that Respondent understands English. The Panel further notes that the Center notified the Parties in Chinese and English of the language of the proceeding as well as notified Respondent in Chinese and English of the Complaint. Respondent chose not to comment on the language of the proceeding, nor did Respondent choose to file a Response in Chinese or English.

The Panel is also mindful of the need to ensure that the proceeding is conducted in a timely and cost-effective manner. Complainant may be unduly disadvantaged by having to translate the Complaint into Chinese and to conduct the proceeding in Chinese.

Having considered all the circumstances of this case, the Panel determines that English be the language of the proceeding.

6.2. Substantive Issues

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name was registered and is being used in bad faith.

Section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") states that failure to respond to the complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case Respondent has failed to formally respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence. See, e.g., *The Knot, Inc. v. In Knot We Trust LTD*, WIPO Case No. [D2006-0340](#).

A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. See [WIPO Overview 3.0](#), section 1.2.1. Complainant provided evidence of its rights in the PLUXEE trademarks, as noted above. Complainant has also submitted evidence, which supports that the PLUXEE trademarks are widely known and a source identifier of Complainant's products and services. Complainant has therefore proven that it has the requisite rights in the PLUXEE trademarks.

With Complainant's rights in the PLUXEE trademarks established, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the Top-Level Domain ("TLD") in which it is registered (in this case, ".com"), is identical or confusingly similar to Complainant's trademark. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#).

Here, the Domain Name is confusingly similar to Complainant's PLUXEE trademarks. The use of Complainant's trademark in this entirety, with the addition of the terms "benefitscenter", does not prevent a finding of confusing similarity between the Domain Name and the PLUXEE trademark as it is recognizable in the Domain Name.

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once a complainant makes such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its PLUXEE trademarks, and does not have any rights or legitimate interests in the Domain Name. Complainant has confirmed that Respondent is not affiliated with Complainant, or otherwise authorized or licensed to use the PLUXEE trademarks or to seek registration of any domain name incorporating the trademarks. Respondent is also not known to be associated with the PLUXEE trademarks, and there is no evidence showing that Respondent has been commonly known by the Domain Name.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, it reverts to a webpage with PPC links to third party websites with products and services unrelated to Complainant's business. Such use does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use and cannot under the circumstances confer on Respondent any rights or legitimate interests in the Domain Name. See, e.g., *Intesa Sanpaolo S.p.A. v. Charles Duke / Oneandone Private Registration*, WIPO Case No. [D2013-0875](#).

Furthermore, the Panel finds that the composition of the disputed domain name carries a risk of implied affiliation with Complainant. [WIPO Overview 3.0](#), section 2.5.1.

Accordingly, Complainant has provided evidence supporting its prima facie claim that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name. Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Name and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a domain name registrant, namely:

“(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your web site or location.”

The Panel finds that Complainant has provided ample evidence to show that registration and use of the PLUXEE trademarks predate the registration of the Domain Name. Complainant's reputation is also well established and known. Indeed, the record shows that Complainant's PLUXEE trademarks and related products and services are widely known and recognized. Moreover, the addition of the terms “benefitscenter” to Complainant's trademark in the Domain Name suggests activities potentially related to engaging in Complainant's industry and activities. Therefore, Respondent was likely aware of the PLUXEE

trademarks when he registered the Domain Name, or knew or should have known that the Domain Name was identical to Complainant's trademarks. See [WIPO Overview 3.0](#), section 3.2.2; see also *TTT Moneycorp Limited v. Privacy Gods / Privacy Gods Limited*, WIPO Case No. [D2016-1973](#).

The Panel therefore finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#); *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. [D2001-1070](#); *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#).

Further, the registration of the Domain Name incorporating Complainant's PLUXEE trademark in its entirety suggests Respondent's actual knowledge of Complainant's rights in the PLUXEE trademarks at the time of registration of the Domain Name and its effort to opportunistically capitalize on the registration and use of the Domain Name. Further, UDRP 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 famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. See section 3.1.4 of the [WIPO Overview 3.0](#). Here, the addition of the terms "benefitscenter" to Complainant's trademark in the Domain Name suggests activities potentially related to engaging in Complainant's industry and activities.

Respondent registered and is using the Domain Name to confuse and mislead consumers looking for well-known PLUXEE products and services of Complainant or authorized partners of Complainant. The use of the PLUXEE trademarks in the Domain Name is intended to capture Internet traffic from Internet users who are looking for Complainant's products and services. The use of the Domain Name to divert users to the webpage with PPC links to third party websites, for commercial gain, by creating a likelihood of confusion with Complainant's mark is in bad faith. Such activities may result in tarnishing Complainant's reputation.

Finally, the Panel also notes the reputation of the PLUXEE trademarks, and the failure of Respondent to submit a response to the Complaint or to provide any evidence of actual or contemplated good-faith use, and the implausibility of any good-faith use to which the Domain Name may be put.

Accordingly, the Panel finds that Respondent has registered and is using the Domain Name in bad faith and Complainant succeeds under the third element of paragraph 4(a) 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 Domain Name <pluxeebenefitscenter.com> be transferred to Complainant.

/Kimberley Chen Nobles/

Kimberley Chen Nobles

Sole Panelist

Date: March 15, 2024