

ADMINISTRATIVE PANEL DECISION

Pluxee International v. 钱梦聃 (Meng Dan Qian)
Case No. D2024-0871

1. The Parties

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

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

2. The Domain Name and Registrar

The disputed domain name <pluxebenefits.com> 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 February 28, 2024. On February 29, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 4, 2024, 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) and contact information in the Complaint. The Center sent an email communication to Complainant on March 5, 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 March 8, 2024.

On March 5, 2024, the Center informed the parties in Chinese and English, that the language of the registration agreement for the disputed domain name is Chinese. On March 7, 2024, Complainant requested English to 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 of the Complaint, and the proceedings commenced on March 13, 2024. In accordance with the Rules, paragraph 5, the due

date for Response was April 2, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on April 3, 2024.

The Center appointed Yijun Tian as the sole panelist in this matter on April 19, 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

A. Complainant

Complainant, Pluxee International, is a company incorporated in France. It is a branch of the SODEXO Group specializing in benefit and reward services. Founded in France in 1976, Complainant has grown into a global leader in employee engagement and recognition, acquiring key companies along the way. As a leader in the employee benefits market, Complainant offers a wide range of services, including meal, food, gift, mobility benefits, rewards, recognition programs, and public benefits. In 2022, its Benefit and Rewards services generated EUR 865 million in revenue. The company serves 36 million consumers through 500,000 clients connected to 1.7 million affiliated merchants in 31 countries.

Complainant has exclusive rights in the PLUXEE marks. Complainant is the owner of several PLUXEE marks worldwide, including a French trademark registration for PLUXEE, registered since March 10, 2023 (the French trademark registration number 4905284); and an international trademark registration for PLUXEE, registered since December 10, 2023 (the international trademark registration number 1706936), which contains China as one of the designated jurisdictions. Complainant also maintains and operates numerous domain names which contain the PLUXEE mark in its entirety, such as <pluxeegroup.com>, <pluxee.net>, <pluxee.info>, <pluxee.biz>, and <pluxee.org>.

B. Respondent

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

C. The Disputed Domain Name

The disputed domain name <pluxebenefits.com> was registered on February 22, 2024, after the PLUXEE marks were registered. The disputed domain name resolved to a pay-per-click ("PPC") website in French at the time of filing the Complaint.

5. Parties' Contentions

A. Complainant

Complainant contends that the disputed domain name is nearly identical to Complainant's trademark PLUXEE, differing only by the omission of the final letter "e", and includes the English word "benefits", which is widely understood. This minor difference does not distinguish the disputed domain name from the PLUXEE mark and results in a confusingly similar appearance.

Complainant contends that Respondent has no rights or legitimate interests in respect of the disputed domain name.

Complainant contends that the disputed domain name was registered and is being used in bad faith.

Complainant requests that the disputed domain name be transferred to it.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

6.1 Procedural Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. Complainant requested that the language of the proceeding be English for several reasons, including the fact that:

- (a) Complainant is not able to communicate in Chinese;
- (b) Submitting all documents in Chinese would unduly delay the proceedings and incur substantial translation expenses; and.
- (c) The disputed domain name <pluxebenefits.com> is registered in Latin script, not Chinese characters.

Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, 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 (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

On the record, Respondent appears to be located in China and is thus presumably not a native English speaker, but considering the following aspects, the Panel has decided that the language of the proceeding shall be English: (a) the disputed domain name is registered in Latin characters, particularly in English (e.g., English word "benefits"), rather than Chinese script; (b) the generic Top-Level Domain ("gTLD") of the disputed domain name is ".com", so the disputed domains name seems to be prepared for users worldwide, particularly English speaking countries; (c) the Center has notified Respondent of the language of the proceeding in both Chinese and English, and Respondent has indicated no objection to Complainant's request that English be the language of the proceeding; (d) the Center also notified Respondent in both Chinese and English of the Complaint, and informed Respondent that it would accept a response in either English or Chinese, but Respondent chose not to file any response.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues: Three Elements

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 Complainant's trademark and the disputed domain name. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds 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 disputed domain name differs from Complainant's trademark PLUXEE, by only deleting the letter "e" and adding the suffix "benefits".

As the disputed domain name contains a misspelling of Complainant's PLUXEE mark, the Panel finds the disputed domain name must be considered a prototypical example of typosquatting. Section 1.9 of the [WIPO Overview 3.0](#) states: "A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element".

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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognised that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible 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. 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 record, the Panel finds Complainant has established a prima facie case that 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.

More specifically,

(i) There has been no evidence adduced to show that Respondent is using the disputed domain name in connection with a bona fide offering of goods or services. Respondent has not provided evidence of a legitimate use of the disputed domain name or reasons to justify the choice of the term "pluxe", a misspelling of Complainant's PLUXEE trademark, in the disputed domain name. There has been no evidence to show that Complainant has licensed or otherwise permitted Respondent to use the PLUXEE marks or to apply for or use any domain name incorporating the PLUXEE mark.

(ii) There has been no evidence adduced to show that Respondent has been commonly known by the disputed domain name. There has been no evidence adduced to show that Respondent has any registered trademark rights with respect to the disputed domain name. Respondent registered the disputed domain name in 2024, after the PLUXEE marks became widely known. The disputed domain name is confusingly similar to Complainant's PLUXEE mark; and

(iii) There has been no evidence adduced to show that Respondent is making a legitimate noncommercial or fair use of the disputed domain name. By contrast, the disputed domain name resolved to a PPC website in French at the time of filing the Complaint. It seems that Respondent is making profits through the Internet traffic attracted to the websites under the disputed domain name. (See *BKS Bank AG v. Jianwei Guo*, WIPO Case No. [D2017-1041](#); *Pet Plan Ltd. v. 权中俊 and 李金梁 (Li Jin Liang)*, WIPO Case No. [D2020-3358](#).)

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 notes that Respondent has registered and used the disputed domain name in bad faith.

The Panel finds that Complainant has a widespread reputation in the PLUXEE marks with regard to its products and services. As mentioned above, Complainant started its business in 1976, and it has registered its PLUXEE marks in France and internationally (since 2023). It is not conceivable that Respondent would not have had actual notice of Complainant's trademark at the time of the registration of the disputed domain name (in 2024). This has been reinforced by the fact that the disputed domain name incorporates a misspelling of Complainant's PLUXEE trademark.

Thus, the Panel concludes that the disputed domain name was registered in bad faith.

Respondent has used the website resolved by the disputed domain name for displaying PPC links. Thus, the Panel concludes that Respondent has been using the confusingly similar disputed domain name with the intention to attract, for commercial gain, Internet users to Respondent's websites by creating a likelihood of confusion with Complainant. Such use constitutes bad faith pursuant to paragraph 4(b)(iv) of the Policy.

In summary, Respondent, by choosing to register and use the disputed domain name, which is confusingly similar to the PLUXEE mark, intended to ride on the goodwill of these trademarks in an attempt to exploit, for commercial gain, Internet users destined for Complainant. In the absence of evidence to the contrary and rebuttal from Respondent, the choice of the disputed domain name and the conduct of Respondent as far as the website to which the disputed domain name resolved is indicative of registration and use of the disputed domain name in bad faith.

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

7. Decision

For all 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 <pluxebenefits.com> be transferred to Complainant.

/Yijun Tian/

Yijun Tian

Sole Panelist

Dated: June 3, 2024