

## ADMINISTRATIVE PANEL DECISION

Sodexo v. Mehmet Sahin  
Case No. D2024-1468

### 1. The Parties

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

The Respondent is Mehmet Sahin, Türkiye.

### 2. The Domain Name and Registrar

The disputed domain name <sodexopay.com> is registered with Dynadot Inc (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 8, 2024. On April 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 8, 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 (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 11, 2024, 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 April 11, 2024.

The Respondent sent an informal communication on April 11, 2024.

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 April 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 5, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 22, 2024. The Respondent sent informal communications on May 23, June 3 and 25, 2024.

The Center appointed Theda König Horowicz as the sole panelist in this matter on June 3, 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 Complainant is the French company SODEXO (prior called SODEXHO ALLIANCE), one of the largest companies in the world specialized in food services and facilities management. It is active in several countries worldwide including in Türkiye where the Respondent is purportedly located.

The Complainant is the owner of several national, international, and European Union trademark registrations SODEXO, among which:

- French Trademark SODEXO registered on December 21, 2007 under No. 3513766 for products and services in classes 9, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45;
- European Union Trademark SODEXO registered on February 1, 2010 under No. 008346462 for products and services in international classes 9, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45;
- International Trademark SODEXO registered on January 8, 2008 under No. 964615 for products and services in classes 9, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45, renewed in 2018 and protected in the numerous countries;
- International Trademark SODEXO PAY registered on May 21, 2019 under No. 1480113 for products and services in classes 9 and 36 protected in Benelux, Czech Republic, Italy, Romania and Viet Nam.

The Complainant also owns several domain names comprising SODEXO, including <sodexo.com> which resolves to the Complainant's official website.

The Complainant's trademark SODEXO PAY is used for payment by mobiles.

The Respondent registered the disputed domain name on April 3, 2024. At the time of the filing of the Complaint, the disputed domain name resolved to a parking page providing Pay-Per-Click ("PPC") links to third party websites including of direct competitors of the Complainant.

#### **5. Parties' Contentions**

##### **A. Complainant**

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

The Complainant claims that the disputed domain name is identical or confusingly similar to the marks SODEXO and SODEXO PAY in which the Complainant has rights. It is underlined that SODEXO has a strong reputation and is well-known worldwide.

The Complainant further asserts that the Respondent who is unknown to the Complainant has no rights or legitimate interests in respect of the disputed domain name. More specifically, the Respondent has no rights on SODEXO as corporate name, trade name, shop sign, mark or domain name that would be prior to the Complainant's rights on SODEXO. The Respondent is not commonly known by the disputed domain name prior to the adoption and use by the Complainant of the corporate name, business name, and mark SODEXO. 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 concerned disputed domain name and to use it.

The Complainant asserts that the disputed domain name was registered and is being used in bad faith. The sign SODEXO 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 mark SODEXO. Given the well-known character and reputation of the SODEXO mark, the Respondent knew its existence when he registered the disputed domain name while he perfectly knew that he had no rights or legitimate interests in the disputed domain name and that he cannot lawfully use it. The Respondent is using the disputed domain name by exploiting the confusion with the well-known SODEXO mark to attract Internet users and to incite them to click on commercial links of the Complainant's competitors. The Complainant finally notes that the Respondent has been involved in two other UDRP cases involving other complainants, cases where the domain names were transferred to these.

## **B. Respondent**

The Respondent did not formally reply to the Complainant's contentions, but expressed its willingness to transfer the disputed domain name to the Complainant.

## **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.

The Complainant has shown rights in respect of the trademarks SODEXO and SODEXO PAY for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the marks SODEXO and SODEXO PAY is reproduced within the disputed domain name. Accordingly, the disputed domain name is respectively confusingly similar and identical to the said marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 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 Policy or otherwise.

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 Respondent, at the time of registration of the disputed domain name, must have been aware of the Complainant's trademarks SODEXO and SODEXO PAY reproduced in the disputed domain name given the reputation and online presence of the SODEXO and SODEXO PAY trademarks.

Furthermore, as for use of the disputed domain name in bad faith, having reviewed the available record, the Panel finds that with respect to "automatically" generated PPC links, panels have held that a respondent cannot disclaim responsibility for content appearing on the website associated with its domain name (nor would such links ipso facto vest the respondent with rights or legitimate interests). Additionally, the Panel notes that some PPC links redirect to third party websites including of direct competitors of the Complainant, such use is evidence of bad-faith use of the disputed domain name. [WIPO Overview 3.0](#), section 3.5.

It appears therefore that the Respondent, by referring to the SODEXO and SODEXO PAY trademarks in the disputed domain name, is trying to create a likelihood of confusion in order to attract, for commercial gain, Internet users to its own website within the meaning of paragraph 4(b)(iv) of the Policy.

The Panel finds that the Respondent's use of the disputed domain name cannot therefore constitute use of the disputed domain name in a bona fide offering of goods or services.

The Panel finds that the Complainant has established the third element 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 disputed domain name <sodexopay.com> be transferred to the Complainant.

*/Theda König Horowicz/*

**Theda König Horowicz**

Sole Panelist

Date: July 1, 2024