

ADMINISTRATIVE PANEL DECISION

Pluxee International v. huade wang
Case No. D2024-2308

1. The Parties

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

The Respondent is huade wang, China.

2. The Domain Name and Registrar

The disputed domain name <pluxeebenefitcenter.com> is registered with Sav.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 5, 2024. On June 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 6, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 10, 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 June 10, 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 June 12, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 2, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 8, 2024.

The Center appointed Rodrigo Velasco Santelices as the sole panelist in this matter on July 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

The Complainant's Group is one of the largest companies in the world specialized in foodservices, facilities management, and benefit and reward services, with 430,000 employees serving daily 80 million consumers in 45 countries.

The Complainant is the Group's branch specialized in benefit and reward services developed in France since 1976. The Complainant's benefits and rewards services deliver over 250 products to 36 million consumers through 500,000 clients connected to 1.7 million affiliated merchants in 31 countries and it continues to grow.

In line with its strategy of growth, the benefit and reward services are now rendered under the name PLUXEE, such as their website at: "www.pluxee.com".

The Complainant also owns numerous domain name registrations corresponding to and/or containing the trademark PLUXEE, inter alia: <pluxee.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 Complainant owns the following registered marks PLUXEE, among others:

- PLUXEE, international trademark registration No. 1706936, registered on November 2, 2022, under priority of the French trademark registration No. 22 4 905 284 of October 14, 2022, in international classes 9, 16, 35, 36, 42, and 43, to designate the following countries: Austria, Bulgaria, Brazil, Benelux, Chile, China, Colombia, Czech Republic, Germany, Spain, United Kingdom, Indonesia, Israel, India, Italy, Morocco, Mexico, Philippines, Poland, Portugal, Romania, Tunisia, Türkiye, Ukraine, United States of America, and Viet Nam.
- PLUXEE, French trademark registration No. 4905284, filed on October 14, 2022, and registered on March 10, 2023, in international classes 9, 16, 35, 36, 42, and 43;

The PLUXEE mark has been also registered under the Complainant's name in many other jurisdictions of the world.

The PLUXEE mark is used in connection with the following benefits and rewards services:

- Employee benefits services to attract, engage and retain employees (such as restaurant vouchers, transport vouchers, gasoline vouchers...), intensification of digitalization of benefits & rewards services,
- Incentives and recognition services to help organizations to reach their qualitative and quantitative objectives (gift vouchers, gift boxes...),
- Public benefits services to manage and control the distribution of aid and public subsidies,
- Fuel & fleet and expense management services to control expenses and improve visibility with pre-paid fuel cards and fleet management.

The disputed domain name was registered on May 30, 2024.

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.

Notably, the Complainant states that:

The disputed domain name is composed of the identical mark PLUXEE in addition with the English words "benefit" and "center", which are internationally understood by consumers.

The addition of a generic or descriptive term to a mark will not alter the fact that the domain name at issue is confusingly similar to the mark in question.

The addition of the words "benefit" and "center" in the domain name at issue are not sufficient to distinguish it from the Complainant's marks. On the contrary, the risk of confusion or association with the PLUXEE mark is even stronger as the mark PLUXEE is precisely used by the Complainant for benefits and rewards services.

Given the identical reproduction of the PLUXEE mark, the public will obviously believe that the disputed domain name comes from the Complainant or is linked to the Complainant in so far as it specifically provides services specialized in employee benefits.

In the same sense, prior Panels already found that the domain names <pluxeebenefit.com> and <pluxeebeneficios.com> are confusingly similar to the Complainant's trademark PLUXEE. *Sodexo Pass International v. Shi Lei*, WIPO Case [D2023-3380](#) and *Sodexo Pass International v. Geraldo Brasil Bodingbaner de Abreu, JobHome Serviços de Teleatendimento Ltda*, WIPO Case [D2023-4140](#).

The Complainant has become aware that the Respondent has registered the disputed domain name and is using it as a parking page with pay-per-click ("PPC") links.

The Complainant has recently faced attacks by phishing with domain names incorporating the PLUXEE mark. Thus, the Complainant has good reasons to believe that it or its customers could be a victim of phishing.

The Respondent has no rights nor legitimate interests in the disputed domain name as it has no rights on PLUXEE as corporate name, trade name, shop sign, mark or domain name that would be prior to the Complainant's rights on PLUXEE.

The Respondent was not commonly known by the disputed domain name prior to the adoption and use by the Complainant of the mark PLUXEE.

The Respondent does not have any affiliation, association, sponsorship or connection with the Complainant, and it has not been authorized, licensed or otherwise permitted by the Complainant or by any subsidiary or affiliated company to register the disputed domain name and to use it.

The disputed domain name was registered and is being used in bad faith, as the sign PLUXEE is purely fanciful and nobody could legitimately choose this word or any variation thereof (in particular associated with the word "benefit"), unless seeking to create an association with the Complainant's activities and PLUXEE mark.

The Respondent obviously knew the existence of the PLUXEE mark when it registered the disputed domain name, so they perfectly knew that it had no rights or legitimate interests in the disputed domain name, so it cannot lawfully use it.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant holds many trademarks registrations worldwide covering the term PLUXEE, as mentioned above.

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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

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 other terms here, "benefit" and "center", 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.

The Panel finds that based on the above, the Complainant has succeeded to demonstrate the first element of the Policy in respect of the disputed domain name.

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 Respondent has no rights nor legitimate interests in the disputed domain name as it has no rights on PLUXEE including those that would be prior to the Complainant's rights on PLUXEE. The Respondent was not commonly known by the disputed domain name prior to the adoption and use by the Complainant of the mark PLUXEE.

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 disputed domain name and to use it.

In light of the worldwide registration of the Complainant's trademarks, the disputed domain name is inherently likely to mislead Internet users, and there is no evidence that the Respondent has been making legitimate, noncommercial, or fair use of the disputed domain name. Also, given the use of the disputed domain name for a website hosting commercial PPC links related to the Complainant's activities, such use cannot be said to confer rights or legitimate interests upon the Respondent, seeing as the Respondent uses it to capitalize on the reputation of the Complainant.

Lastly, the nature of the disputed domain name (consisting of the Complainant's trademark in its entirety in addition with the terms "benefit" and "center" which are linked to the Complainant's activities) effectively impersonates or suggests sponsorship or endorsement by the Complainant and especially given the use of "benefits" presents a risk of harm to consumers. [WIPO Overview 3.0](#), section 2.5.1.

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.

The disputed domain name was registered and is being used in bad faith, as the trademark PLUXEE is fanciful and based on the composition of the disputed domain name being the mark plus terms in the Complainant's sector, nobody could legitimately choose this word or any variation thereof (in particular associated with the word "benefit"), unless seeking to create an association with the Complainant's activities and PLUXEE mark.

The Respondent obviously knew the existence of the PLUXEE mark when it registered the disputed domain name, so it perfectly knew that it had no rights or legitimate interests in the disputed domain name.

The Respondent is using the disputed domain name by exploiting the confusion with the PLUXEE mark to attract Internet users and to incite them to click on PPC commercial links, which represents an intentional attempt to attract, for commercial gain, Internet users to the sites of third parties by creating a likelihood of confusion with the PLUXEE mark.

The unauthorized use and registration of the disputed domain name by the Respondent to attract and redirect Internet users to third parties' websites are solely for the purpose of achieving commercial gain and then constitute bad faith registration and use.

Accordingly, 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 <pluxeebenefitcenter.com> be transferred to the Complainant.

/Rodrigo Velasco Santelices/

Rodrigo Velasco Santelices

Sole Panelist

Date: August 2, 2024