

ADMINISTRATIVE PANEL DECISION

Pluxee International v. Yikai Ren

Case No. D2024-2710

1. The Parties

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

The Respondent is Yikai Ren, China.

2. The Domain Name and Registrar

The disputed domain name <pluxeegroup.info> is registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 2, 2024. On July 3, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 4, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain and contact information in the Complaint. The Center sent an email communication to the Complainant on July 4, 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 July 5, 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 July 9, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 29, 2024. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent’s default on July 31, 2024.

The Center appointed Alexander Duisberg as the sole panelist in this matter on August 6, 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 Pluxee International, a French simplified joint stock company, present in 31 countries and a leading company in the field of employee benefits with a yearly revenue of EUR 865 million (2022). Pluxee International started as part of the Sodexo group. The Sodexo group is one of the largest companies in the world specialized in foodservices, facilities management, and earlier in benefit and reward services. The name Pluxee was established in 2023. On February 1, 2024, Pluxee International was spun-off of the Sodexo group. The Complainant is owner of the following trademark registrations (non-exhaustive list) ("PLUXEE Trademarks"):

French Registration PLUXEE (verbal) No 224905284, registered on October 14, 2022
International Trademark Registration PLUXEE (verbal) No 1706936, registered on December 11, 2023.
Chinese Registration PLUXEE (verbal) No 72995156 , registered on 28 January, 2024.

The Complainant provided a list of all registered and filed trademarks.

The disputed domain name <pluxeegroup.info> was registered on May 23, 2024. The Complainant has registered all PLUXEE Trademarks before the registration of the disputed domain name. The Complainant has submitted screenshots of the Respondent's website which leads to a domain selling website, where the disputed domain name is offered for sale (950 USD) and lease (106 USD/month).

The Respondent did not reply to the Complaint.

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 contends that the disputed domain name <pluxeegroup.info> reproduces the PLUXEE Trademark in its entirety. The confusion would be amplified since the Complainant uses the domain name <pluxeegroup.com>.

Furthermore, the Complainant argues that the Respondent has no rights or legitimate interests in using the disputed domain name since the Respondent is in no way affiliated, sponsored, associated or connected with Pluxee International, nor is the Respondent commonly known by the name "pluxee".

The Complainant states that the disputed domain name was registered and used in bad faith, since the unauthorized registration in addition to the sales offer of the disputed domain name constitutes fraudulent use for the purpose of commercial gain of the Respondent.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainant must prove each of the following:

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

The Panel acknowledges the consensus view – as set forth in paragraph 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (the “[WIPO Overview 3.0](#)”) – that the Respondent’s default to respond to the Complaint does not automatically result in a decision in favor of the Complainant.

The Complainant must establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from the Respondent’s default (e.g., to regard factual allegations which are not inherently implausible as being true), paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in the UDRP proceeding. In view of the Panel, the Complainant has established sufficient evidence in its favor in the case at hand.

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 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 “group” added to the PLUXEE Trademarks, may bear on assessment of the second and third elements, the Panel finds the addition of such a term 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.

Furthermore, the addition of the generic Top-Level Domain (“gTLD”) “.com” is viewed as a standard registration requirement and as such is disregarded under the first element and has no effect in the confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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 Complainant's PLUXEE Trademark is well known and has been registered and used preceding the date of the Respondent's registration of the disputed domain name. The Complainant has neither authorized the Respondent to use the PLUXEE Trademarks nor is the Respondent in whatever manner affiliated with the Complainant.

The Respondent cannot be considered to be making a bona fide offering of goods and services in the meaning of paragraph 4(c)(i) of the Policy, since no goods and services other than the disputed domain name itself are offered, nor can the Respondent be considered making noncommercial or fair use of the domain name without intent for commercial gain, considering the price for sale (950 USD) or lease (106 USD/month).

It is highly unlikely that the Respondent is commonly known by the name "Pluxee", since the term is purely imaginative and therefore highly distinctive. The Respondent has not filed any Response to the Complaint and, therefore, has not alleged any facts or elements to justify rights or legitimate interests in the disputed domain name.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a Respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Paragraph 4(b)(i) constitutes that circumstances indicating the registration of the disputed domain name primarily for the purpose of selling, renting or otherwise transferring the domain to the Complainant or to a competitor of that Complainant for valuable consideration in excess of the out-of-pocket costs directly related to the domain name shall be constituted as bad faith. However, panels have found, that the mere registration of a domain name for subsequent resale would not itself support a registration in bad faith and additional circumstances need to be considered to constitute the registration as in bad faith. These circumstances can be a typo of a famous trademark, a domain name wholly incorporating the relevant trademark plus a geographic term or one related to the Complainant's area of commercial activity, see [WIPO Overview 3.0](#), section 3.1.1.

The disputed domain name resolves to a website offering the sale or lease of the disputed domain name indicating the transfer either to the Complainant or to one of the Complainant's competitors. The prices for buying or leasing the disputed domain name exceed the out-of-pocket costs directly related to the disputed domain name (absent any evidence from the Respondent to the contrary). The disputed domain name <pluxeegroup.info> wholly reproduces the Complainants PLUXEE Trademarks, indicating bad faith. The addition of the term "group" is insufficient to contradict this finding (*ZB, N.A., dba Zions First National Bank and ZB, N.A., dba Amegy Bank v. Cameron David Jackson*, WIPO Case No. [D2016-1452](#)).

Furthermore, previous UDRP panels have held that an offer to sell for excess of out-of-pocket costs supports a finding of bad faith under paragraph 4(b)(i) of the Policy (*Audi AG v. Claus Linder*, WIPO Case No. [D2016-1579](#)).

Finally, the PLUXEE Trademark as a purely imaginative term without any other meaning is highly distinctive, further supporting the finding of bad faith.

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 <pluxeegroup.info> be transferred to the Complainant.

/Alexander Duisberg/

Alexander Duisberg

Sole Panelist

Date: August 15, 2024