

## **ADMINISTRATIVE PANEL DECISION**

Sodexo v. Brenda Crapp, mariko llc  
Case No. D2024-3880

### **1. The Parties**

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

The Respondent is Brenda Crapp, mariko llc, United States of America.

### **2. The Domain Name and Registrar**

The disputed domain name <sodoxo.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 23, 2024. On September 24, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 24, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 25, 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 September 26, 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 October 1, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 21, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 24, 2024.

The Center appointed Christian Pirker as the sole panelist in this matter on October 30, 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, formerly Sodexo Alliance, is a French company founded in 1966 that specializes in food services and facilities management services, principally in North America and Europe.

Currently, the Complainant has more than 350,000 employees worldwide serving daily millions of consumers in numerous countries.

The Complainant owns numerous registered marks for SODEXO including:

- International trademark registration for SODEXO, No. 964615, registered on January 8, 2008 in international classes 9, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45.;
- European Union trademark registration for SODEXO, No. 008346462 registered on February 1, 2010, in classes 9, 16, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44 and 45.
- International trademark registration for SODEXHO, No. 689106, registered on January 28, 1998 in international class 16, 36, 37, 39, 41, 42 in numerous countries such as Denmark, United Kingdom and Japan.

The Complainant owns numerous domain names corresponding to and/or containing SODEXO or SODEXHO, one of which is <sodexousa.com>, targeting Internet users in the United States of America, where the Respondent is located.

The disputed domain name was registered on September 16, 2024 and, at the time of filing the Complaint, it was used as a parking page that had Pay-Per-Click ("PPC") links to connect to third websites notably offering job advertisement under the title "Sodexo Jobs". At the time the decision is made, the website is inactive.

#### **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 alleges that SODEXO trademark has a strong reputation, is widely known all over the world. It considers the disputed domain name to be confusingly similar to its trademarks for which it claims to have rights. The Complainant further alleges that the Respondent has no rights or legitimate interests in the disputed domain name, that, the Respondent was not commonly known by the disputed domain name prior to the registration and use by the Complainant of the corporate, business and mark name SODEXO and that the Respondent has no affiliation, association, sponsorship or connection with the Complainant. Finally, the Complainant alleges that the Respondent registered and has used the disputed domain name in bad faith, in particular by replacing intentionally the central letter "e" with the letter "o" in the disputed domain name which attempt to create a likelihood of confusion and benefit from the similarity to the well-known SODEXO trademark to attract Internet users and to incite them to click for commercial gain, on commercial links on third-party websites.

The Complainant requests the transfer of the disputed domain name.

##### **B. Respondent**

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

## 6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, in order to succeed in this proceeding and obtain the transfer of the disputed domain name, the Complainant must prove that each of the three following elements is satisfied for the disputed domain name:

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

In accordance with paragraph 5(f) of the Rules, if a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel decides the dispute based upon the Complaint.

### 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.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

It is also a consensus view among Panelists that a domain name which contains a common or obvious misspelling of a trademark normally will be found to be confusingly similar to such trademark, where the misspelled trademark remains the dominant or principal component of the domain name. [WIPO Overview 3.0](#), section 1.9. The practice of purposefully misspelling a trademark by substituting the letter by another letter in the disputed domain name is commonly referred to as "typo squatting", which creates a virtually identical and/or confusingly similar mark to the Complainant's trademark under paragraph 4(a)(i) of the Policy (see, *Wachovia Corporation v. Peter Carrington*, WIPO Case No. [D2002-0775](#)).

The Panel notes that the trademark in its entirety is reproduced within the disputed domain name, with only a minor distinction, replacing the single letter "e" by the letter "o" within the trademark.

Accordingly, and based on the available record, the Panel finds that the disputed domain name is confusingly similar to the trademark and that 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.

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.

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.

It seems clear to the Panel that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademark, particularly considering the reputation of the Complainant's mark and since the trademark is included in its entirety with only the modification of a letter, leading orally to a very small difference. This conclusion is moreover supported by the use of a button on the Respondent's webpage offering job advertisements under the title "Sodexo Jobs".

Accordingly, these evidence prove that it is unlikely that the Respondent was not aware of the Complainant's trademark, most likely knew that it had no rights or legitimate interests in the disputed domain name, when registering the disputed domain name.

The disputed domain name resolved, to a parking website which contained websites links in the field of recruitment and job seekers which think to be offered or linked with the Complainant, that likely provided income to the Respondent depending on the number of hits that were generated on the disputed domain name, on a pay-per-click basis. As such, the Panel considers that the Respondent has intentionally registered in order to attempt to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of its website, which is evidence of bath faith registration and use.

In view of the above-mentioned facts, the Panel concludes that the Respondent's primary motive in relation to the registration and use of the disputed domain name was to capitalize on, or otherwise take advantage of, the Complainant's trademark rights, by creating a likelihood of confusion with the Complainant's mark with the intent to unlawfully profit therefrom (see *Arla Foods Amba v. Michael Guthrie, M. Guthrie Building Solutions*, WIPO Case No. [D2016-2213](#)). The failure of the Respondent to submit a response or any communication, notwithstanding the deactivation of the site after the beginning of the UDRP procedure, the use of a privacy registration service in combination with apparently incomplete contact information to such service to be reachable by postal mail or a refusal to receive the postal notification of the Center supports the finding of an evidence of bad faith [WIPO Overview 3.0](#), section 3.1.2).

Based on the available record, 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 <sodoxo.com> be transferred to the Complainant.

*/Christian Pirker/*

**Christian Pirker**

Sole Panelist

Date: November 13, 2024