

## **ADMINISTRATIVE PANEL DECISION**

Pluxee International v. Domain Administrator, Sugarcane Internet Nigeria Limited

Case No. D2024-4172

### **1. The Parties**

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

The Respondent is Domain Administrator, Sugarcane Internet Nigeria Limited, Nigeria.

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

The disputed domain name <pluxeebrs.com> (the “Disputed Domain Name”) is registered with Cosmotown, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 10, 2024. On October 10, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On October 12, 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 identity) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 15, 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 October 18, 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 22, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 11, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 12, 2024.

The Center appointed Pham Nghiem Xuan Bac as the sole panelist in this matter on November 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, a global leader in employee benefits and engagement solutions business, was formerly part of SODEXO Group, a French multinational corporation with 430,000 employees serving daily 80 million consumers in 45 countries. Particularly, in 2023, the SODEXO Group rebranded its employee benefits and engagement solutions business as PLUXEE. Subsequently, on February 1, 2024, the Complainant was spun-off as an independent company from Sodexo business.

According to the Complainant, with a legacy dating back to 1976 in France, the Complainant delivers over 250 products to 36 million consumers through 500 000 clients connected to 1,7 million affiliated merchants in 31 countries.

The Complainant's PLUXEE trademarks have been registered for various goods and services in classes 9, 16, 35, 36, 42 and 43 in a variety of countries under the French Registration No. 4905284, registered on March 10, 2023; and international registration No. 1706936, registered on November 2, 2022.

In addition, the Complainant is the registrant of a number of domain names featuring the trademarks PLUXEE, notably the domain names <pluxee.net>, <pluxee.info>, <pluxee.biz>, and <pluxee.org>.

The Disputed Domain Name was registered on October 8, 2024. As of the date of this Complaint, the Disputed Domain Name resolved to a parked page containing sponsored links to websites unrelated to the Complainant's activity. As of the date of this Decision, the Disputed Domain Name resolves to a parked page containing sponsored links to various third parties' contents, including those associated with benefits and rewards services.

#### **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, as follows:

(i) The Disputed Domain Name is identical or confusingly similar to the PLUXEE trademarks, in which the Complainant has rights.

First, the Complainant has rights in and to the PLUXEE trademarks which are registered and have obtained global recognition for benefit and rewards services.

Second, the Disputed Domain Name is confusingly similar to the Complainant's PLUXEE trademarks, because it incorporates such trademarks in their entirety. The additional element "brs" stands for the Complainant's "benefits and rewards services" and is insufficient to distinguish the Disputed Domain Name from the Complainant's trademarks. Instead, the risk of confusion or association between the Disputed Domain Name and the PLUXEE trademarks is amplified, as the trademarks are exclusively used by the Complainant for Benefits and Rewards Services ("BRS").

(ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

First, the Respondent has no rights nor legitimate interests in the Disputed Domain Name, as it has no prior rights in the "PLUXEE" element, whether as a corporate name, trade name, shop sign, trademark, or domain name.

Second, the Respondent was not commonly known by the Disputed Domain Name before the Complainant's adoption and use of the "PLUXEE" element as corporate name, business name and trademark.

Third, the Respondent is not affiliated, associated, sponsored, or connected with the Complainant and has not been authorized, licensed or otherwise permitted by the Complainant or its subsidiary, affiliates to register and use the Disputed Domain Name.

(iii) The Disputed Domain Name was registered and is being used in bad faith.

First, given the fanciful nature of the PLUXEE trademarks, the Respondent obviously knew the PLUXEE trademarks at the time of its registration of the Disputed Domain Name containing entirely such trademarks. This awareness itself may be considered as an inference of bad faith, as found in previous UDRP decisions.

Second, the Respondent is exploiting the confusion between the Disputed Domain Name and the PLUXEE trademarks to attract Internet users and redirect them to third parties' commercial links for commercial gain. This constitutes bad faith registration and use of the Disputed Domain Name.

Moreover, Internet users seeking for the PLUXEE trademarks may be exposed to the parking site (website under the Disputed Domain Name) proposing third parties' advertising links. This may not only confuse consumers, but also dilute the distinctiveness of the PLUXEE trademarks. Additionally, the Respondent's registration of the Disputed Domain Name poses a risk of abusive use, such as phishing attacks.

Finally, the Respondent has a history of involvement in domain name disputes. In previous cases, the Panels have ordered the transfer of disputed domain names reproducing the SODEXO trademarks (the Complainant's former parent company) and other third-party trademarks to the rightful owners.

With the said arguments, the Complainant requests that the Disputed Domain Name be transferred to the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **The Respondent's Failure to Respond**

The Respondent's failure to file a Response does not automatically result in a decision in favor of the Complainant (see, e.g., *Tradewind Media, LLC d/b/a Intopic Media v. Jayson Hahn*, WIPO Case No. D2010-1413, and *M. Corentin Benoit Thiercelin v. CyberDeal, Inc.*, WIPO Case No. [D2010-0941](#)). However, the Panel may draw appropriate inferences from the Respondent's default.

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

The Panel finds that the Complainant has evidenced that it has rights in and to the trademarks PLUXEE, which were registered in a number of countries before the registration of the Disputed Domain Name.

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 the other term “brs” may bear on assessment of the second and third elements, the Panel finds the addition of such 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.

In addition, the Panel finds that the addition of the generic Top-Level Domain (“gTLD”) “.com” to the Disputed Domain Name is disregarded as it is a technical requirement. [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.

Paragraph 4(c) of the Policy lists circumstances, in particular but without limitation, which, if found by the Panel to be proved, demonstrate the Respondent’s rights or legitimate interests in the Disputed Domain Name for the purposes of paragraph 4(a)(ii) of the Policy, including:

- “(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or
- (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or
- (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.”

Regarding paragraph 4(c)(i) of the Policy, the Panel finds, in light of the Complainant’s asserted facts, that no license, permission or authorization in any kind to use the Complainant’s trademarks PLUXEE has been granted to the Respondent. There is no evidence available that the Respondent holds any registered or unregistered trademark rights in any jurisdiction related to “PLUXEE”. Thus, the Panel finds that the Respondent has no rights in the trademarks PLUXEE.

According to the submitted evidence of the Complainant and the Panel’s findings that the Disputed Domain Name resolves to a parked page with Pay-Per-Click (“PPC”) links that redirect Internet users to other online

locations. In this regard, section 2.9 of the [WIPO Overview 3.0](#) holds that “the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant’s mark or otherwise mislead Internet users”.

In this present case, the Panel finds that the PPC links in question were redirecting to third parties’ websites unrelated to the Complainant’s activity. In light of the foregoing viewpoint and similarly to a number of well-established prior UDRP decisions, the Panel upholds that operating PPC parking page using a distinctive trademark is not considered as being done in connection with a bona fide offering of goods or services pursuant to Policy paragraph 4(c)(i) or a legitimate noncommercial or fair use pursuant to Policy paragraph 4(c)(iii), as the Respondent presumably earned “click through” fees for each consumer it redirected to other websites.

Regarding paragraph 4(c)(ii) of the Policy, the Panel finds that there is no evidence showing that the Respondent has been commonly known by the Disputed Domain Name. Further, there is also no evidence showing that the Respondent operates any bona fide business or organization under the Disputed Domain Name. Therefore, it is not evidenced that the Respondent is identified by “pluxeebrs” or that the Respondent has any right in it.

Regarding paragraph 4(c)(iii) of the Policy, the Panel finds that there is no evidence that the Respondent is making any noncommercial or fair use of 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, including:

“(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location.”

The Panel finds that the Complainant has put forth evidence that the Respondent has registered and used the Disputed Domain Name in bad faith. The Respondent did not reply to the Complainant’s contentions and, therefore, did not refute the Complainant’s contentions.

The Panel has considered the Complainant’s assertions and evidence with regard to the Respondent’s registration and use of the Disputed Domain Name. The Panel finds that the Complainant’s PLUXEE trademarks have been registered in a variety of jurisdictions around the world and gained certain reputation in the sector of benefit and reward services through the extensive use by the Complainant. The Complainant’s PLUXEE trademark registrations predate the registration of the Disputed Domain Name.

The Disputed Domain Name incorporates the PLUXEE trademarks in its entirety, with the addition of “brs” which likely stands for the Complainant’s benefit and reward services. In a previous UDRP case (*Sodexo v. Domain Administrator, Sugarcane Internet Nigeria Limited*, WIPO Case No. [D2024-0400](#)), the Respondent was involved in a disputed domain name that targeted the Sodexo Group, the Complainant’s former parent company.

In light of the above, it is very unlikely that the Respondent registered the Disputed Domain Name in a fortuity. Instead, the Panel believes that the Respondent obviously knew of the Complainant and its PLUXEE trademarks before the registration of the Disputed Domain Name. The Panel considers such registration is an attempt by the Respondent as to take advantage of the Complainant’s goodwill.

In Section 6.B. above, the Panel finds that the Respondent has no rights or legitimate interests in the Disputed Domain Name. In the Panel’s view, use of a domain name, to which one has no rights or legitimate interests, is very often a clear indication of use in bad faith.

On the date of this Decision, the Panel accesses the Disputed Domain Name and finds that it is still resolving to a parked page comprising PPC links that are currently redirecting Internet users to websites of the Complainant’s competitors. These facts, in the Panel’s view, are evidence of bad faith use.

With all these facts and findings, the Panel finds that by using the Disputed Domain Name in this manner, the Respondent has intentionally attempted to attract Internet users to its websites and earn income from such links on a PPC basis by creating a likelihood of confusion with the Complainant’s PLUXEE trademarks as to the source, sponsorship, affiliation or endorsement of its website, for commercial gain.

Additionally, as demonstrated by the Complainant, the Panel finds that the Respondent, Domain Administrator, Sugarcane Internet Nigeria Limited, was involved in a bad-faith pattern of registering domain names that contain widely-known trademarks and using them for commercial gain through parked pages with PPC links. See, *Menarini Silicon Biosystems S.p.A. v. Domain Administrator, Sugarcane Internet Nigeria Limited*, WIPO Case No. [D2023-4373](#); *Ralf Bohle GmbH v. Domain Administrator, Sugarcane Internet Nigeria Limited*, WIPO Case No. [D2023-4928](#); *Sodexo v. Domain Administrator, Sugarcane Internet Nigeria Limited*, WIPO Case No. [D2024-0400](#); *Verizon Trademark Services LLC v. Domain Administrator, Sugarcane Internet Nigeria Limited*, WIPO Case No. [D2024-0672](#); *Yamaha Corporation v. Domain Administrator, Sugarcane Internet Nigeria Limited*, WIPO Case No. [D2024-2918](#).

Taking into account all of the above, the Panel finds that the Disputed Domain Name was registered and is being used by the Respondent in bad faith under paragraph 4(b) of the Policy. 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 <pluxeebrs.com> be transferred to the Complainant.

*/Pham Nghiem Xuan Bac/*

**Pham Nghiem Xuan Bac**

Sole Panelist

Date: December 3, 2024