

ADMINISTRATIVE PANEL DECISION

Sodexo Operations LLC v. Tomasz Szczypka
Case No. D2023-3512

1. The Parties

Complainant is Sodexo Operations LLC, United States of America (“United States”), represented by Areopage, France.

Respondent is Tomasz Szczypka, United States.

2. The Domain Name and Registrar

The disputed domain name <entegraprocedureservices.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 August 18, 2023. On August 21, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 21, 2023, 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 Complainant on August 24, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on August 24, 2023.

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 Respondent of the Complaint, and the proceedings commenced on September 5, 2023. In accordance with the Rules, paragraph 5, the due date for a response was September 25, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 28, 2023.

The Center appointed Michael A. Albert as the sole panelist in this matter on October 17, 2023. 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

ENTEGRA is the world's largest food group purchasing organization, with USD 36 billion in global purchasing power. It is a division of the SODEXO Group, a worldwide leader in food and facilities management. ENTEGRA was founded in 1999 and holds numerous trademark registrations worldwide going back over 20 years.

Complainant owns numerous registered trademarks that were attached to its Complaint, as further described below under Section 5A.

The disputed domain name was registered in 2023 by Respondent, an individual unknown to ENTEGRA without any authorization from ENTEGRA. Since then, the disputed domain name has been used to resolve to a website with pay-per-click links and also to communicate fraudulent emails in which Respondent has held himself out as being Complainant in order to obtain payments from Complainant's customers.

5. Parties' Contentions

A. Complainant

ENTEGRA was founded in 1999 to boost the performance of companies by helping them save on purchases and improve operations. It has partnerships with more than 1,500 national, regional, and local suppliers. ENTEGRA's expertise can be grouped into eight sectors: Restaurants, Lodging, Golf, Senior Living, Leisure, Faith-based, Education, and Acute care. ENTEGRA is available in over ten countries.

The SODEXO Group is the owner of several domain names containing the ENTEGRA mark, including several that add the letters "PS" which are an abbreviation for the expression "procurement services". Such domain names include <entegraps.com>, <entegraps.ca>, <entegraps.fr>, <entegraps.it>, and <entegraps.ie>. Complainant also owns numerous registered trademarks that were attached to its Complaint, including but not limited to the mark ENTEGRA, United States Registration No. 2586686 filed on May 21, 2001 and registered on June 25, 2002, ENTEGRA PROCUREMENT SERVICES, United States Registration No. 2613178 filed on February 19, 2000 and registered on August 27, 2002, and numerous others.

The disputed domain name includes Complainant's ENTEGRA and ENTEGRA PROCUREMENT SERVICES marks in their entirety. Given the incorporation of the ENTEGRA and ENTEGRA PROCUREMENT SERVICES marks in full into the disputed domain name, the public will be misled into believing that the disputed domain name belongs to or is authorized by Complainant through its ENTEGRA division.

Respondent has used the disputed domain name as part of an email address for fraudulent attempts to obtain payments from Complainant's customers, including by falsely holding himself out as being a marketing director at ENTEGRA. The Respondent also uses the disputed domain name to attract Internet users and to incite them to click on sponsored commercial links.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The disputed domain name contains in full both the ENTEGRA and ENTEGRA PROCUREMENT SERVICES marks owned by Complainant. Given the identical reproduction of the ENTEGRA and ENTEGRA PROCUREMENT marks, the disputed domain name is identical to Complainant's registered trademarks.

The Panel finds that Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Respondent has no rights nor legitimate interests in the disputed domain name. Respondent does not appear to be commonly known by the disputed domain name. Respondent does not have any affiliation, association, sponsorship or connection with Complainant and has not been authorized, licensed or otherwise permitted by Complainant or by any subsidiary or affiliated company to register and use the disputed domain name.

Further, Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain. Instead, Respondent is using the disputed domain name with the intent to deceive businesses and fraudulently obtain payments or products. After Respondent registered the disputed domain name, Respondent created an email address associated with the disputed domain name. Respondent then impersonated an employee of Complainant to contact a third-party vendor in an attempt to place a large order of products using false information. Such fraudulent use of the disputed domain name can never confer rights or legitimate interests on Respondent.

Accordingly, the Panel finds that Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The ENTEGRA and ENTEGRA PROCUREMENT SERVICES marks are well known and can reasonably be understood to refer only to Complainant. Further, due to the renown of the ENTEGRA and ENTEGRA PROCUREMENT SERVICES marks, especially in the United States where Respondent is reportedly located, the Panel finds that Respondent knew of their existence when the disputed domain name was registered. Indeed, it is extraordinarily implausible that Respondent could have registered this precise phrase identical to Complainant's ENTEGRA PROCUREMENT SERVICES mark without having known of Complainant and its marks. See, e.g., *Expedia, Inc. v. European Travel Network*, WIPO Case No. [D2000-0137](#) ("In the absence of contrary evidence, the Panel finds that Respondent knew of ... the Complainant's trademark and services at the time it registered the domain name XPEDIATRAVEL.COM, given the widespread use of Complainant's EXPEDIA website.")

Previous UDRP decisions have recognized that actual knowledge of a complainant's trademarks and activities at the time of the registration of the disputed domain name may give rise to an inference of bad faith. See *LEGO Juris A/S v. Reiner Stotte*, WIPO Case No. [D2010-0494](#); *Caixa D'Estalvis I Pensions de Barcelona ("La Caixa") v. Eric Adam*, WIPO Case No. [D2006-0464](#) (finding that knowledge of a corresponding mark at the time of the domain name's registration suggests bad faith).

Respondent undoubtedly used the email address associated with the disputed domain name to confuse recipients into erroneously believing that the emails were coming from Complainant. Respondent used this email address to communicate with third-party businesses and place large orders of products with no intention of paying for the orders, while implying that the order came from Complainant. Complainant has demonstrated that Respondent has acted in a clearly fraudulent and bad-faith manner.

The fact that the disputed domain name resolves to a pay-per-click website reinforces the Panel's finding that Respondent's intent behind the registration and use of the disputed domain name was to commercialize on the reputation and goodwill associated with the Complainant's trademark.

Accordingly, the Panel finds that Complainant has satisfied paragraph 4(a)(iii) 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 <entegraprocedureservices.com> be transferred to Complainant.

/Michael A. Albert/

Michael A. Albert

Sole Panelist

Date: October 31, 2023