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भारत INDIA  
INDIA NON JUDICIAL

BEFORE TMT.M.SHIRIJHA, B.Sc.,M.L.



சமீபநாடு மீட்டிரேட்டர், அட் சென்னை  
TAMILNADU STATE ARBITRATOR, AT CHENNAI

20<sup>th</sup> February 2025

20 FEB 2025

DF 226848

COMPLAINT INDRP Case No 1947

Chennai

IN THE MATTER OF AN ARBITRATION  
FOR A DISPUTE RELATING TO THE  
Disputed Domain Name: sodexa.in UNDER  
THE .IN DOMAIN NAME DISPUTE  
RESOLUTION POLICY;

V.RAMA  
S V L No.1481/E/9  
No 509, ANNA SALA  
CHENNAI-600035

**Sodexo**

255, Quai de la Bataille de Stalingrad,  
92130 Issy-Les-Moulineaux,  
France

.... Complainant

Vs.

Ramya Rao  
Thane W - 400615  
Email Id: ramyac14@gmail.com  
Phone No. (+91) 0882805793

...Respondent

*M.S.*

**M.SHIRIJHA B.SC., M.L.**  
STS Law Associates  
2/669A, River View Enclave, First Main Road,  
Manapakkam, Chennai - 600 125.

**AWARD PASSED UNDER THE INDRP RULES OF PROCEDURE  
AND THE ARBITRATION AND CONCILIATION ACT, 1996**

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**I. PARTIES TO THE ARBITRATION**

1. The Complainant is **Sodexo** 255, Quai de la Bataille de Stalingrad, 92130 Issy-Les-Moulineaux, France represented by their Authorised Representative Mrs. Dahlia Sen Oberoi, Sen-Oberoi Attorneys-at-Law , A-18, Chittranjan Park ,New Delhi -110019 , Tel.: (+91-11) 41602150; Mobile: 9811117616 Email: dahlia@sen-oberoi.com

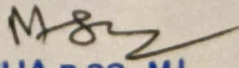
2. The Respondent is Ramya Rao , Thane W – 400615, Email Id: ramyac14@gmail.com Phone No. (+91) 08828057938 is the Registrant of the disputed domain name "**sodexa.in**" .

**II. APPLICABLE LAW AND JURISDICTION**

The present Arbitration proceeding is under and in accordance with the .IN Domain Name Dispute Resolution Policy (the Policy) which was adopted by the National Internet Exchange of India (NIXI) and sets out the legal framework for resolution of disputes between a domain name registrant and a Complainant arising out of the registration and use of an .IN Domain Name. By registering the domain name < **sodexa.in** > with the NIXI accredited Registrar, the Respondent has agreed to the resolution of disputes under the .IN Dispute Resolution Policy and Rules framed thereunder. The Policy and the .IN Domain Name Dispute Resolution Rules of Procedure posted 2020 (the Rules) were approved by NIXI in accordance with the Arbitration and Conciliation Act, 1996.

**III. Filing of the Complaint and Constitution of the Arbitral Tribunal**

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1. The Complainant filed the Complaint through its Authorised Representative, under the .IN Domain Name Dispute Resolution Policy against the Respondents seeking transfer of the Domain Name www.sodexa.in to the Complainant, Following which, the .IN Registry sought the consent of **Tmt. M. SHIRIJHA** (the undersigned), who is a listed .IN Dispute Resolution Arbitrator under 5 (a) of **the** Rules, to act as Arbitrator in the **said** matter.

2. On 24<sup>th</sup> January 2025, the Arbitral Tribunal consisting of the said **Tmt. M. SHIRIJHA** as Sole Arbitrator was constituted under 5(b) of the Rules **in** respect of the Complaint filed by Sodexo 255 Quai de la Bataille de Stalingrad, 92130 Issy-Les-Moulineaux, France against Ramya Rao, the Respondent.

3. On the very same day, the Arbitral Tribunal issued the Notice of Arbitration under 5(c) of the Rules to the parties for commencement of Arbitral Proceedings.

4. The Arbitral Tribunal has been constituted properly and in accordance with the Arbitration and Conciliation Act 1996, the INDRP Policy and the Rules as amended from time to time. No party has objected to the constitution and jurisdiction of the Arbitral Tribunal and to the arbitrability of the dispute.

#### **IV. THE DOMAIN NAME, REGISTRAR & REGISTRANT**

The details of the Respondent, have been REDACTED FOR PRIVACY. The particulars of the registration of the domain name WWW. <.sodexa.in > as found in the .IN Registry database are set out below:

Domain Name sodexa.in

User Form sodexa.in

Registrar Name Endurance Digital Domain Technology Private Limited

Create Date 2024-10-04T06:21:29Z

Expiry Date 2025-10-04T06:21:29Z

Registrant Client ID EDTRP-22185364

Registrant ROID CD311F5D857B6431AAA26AC7AF9DED4-IN

Registrant Create Date 2024-10-04T06:21:28Z

Email ramyac14@gmail.com

Phone (+91).08828057938

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5. On 5<sup>th</sup> February 2025, The Respondent via e-mail acknowledged the receipt of the same and informed that they are a cyber security startup and The domain name sodexa.in was registered specifically for one of their new cyber security products and is in no way related to the business operations of Complainant Sodexo. She further stated in that mail that they have no intention of venturing into Complainant's line of business. She added that While it may look similar to Complainant's name, the abbreviation basis which the domain was purchased was for their product on "Secure Operations Detection and Enhanced Xploit Analysis – SODEXA" and However, as a gesture of goodwill, they are open to transferring the domain to the Complainant. In Reply to the said E mail, without the Approval of the Arbitrator, the Complainant's Authorised Representative has requested her to unlock domain name sodexa.in and send them the auth code which was also sent by the Respondent immediately via Email.

6. On seeing the communication between the parties without the Approval of the Arbitrator, The Arbitrator sent a Email dated 6<sup>th</sup> February 2025 to the Respondent asking her authorization in the Respondent Firm having the Domain Name 'Sodexo' and to the Authorised Representative of the Complainant Thiru Archit Sharma to address the Arbitrator only, regarding the said dispute. Despite this, The Authorised Representative of the Complainant without the Approval of the Arbitrator has again sent a Email to the Respondent on the same day that the domain name is still locked and therefore requested her to unlock it for smooth transfer and also sent an Email to the Arbitrator that 'as the Respondent has shown its intention to transfer the domain name to their Client amicably and they are trying to facilitate the same, he requested to grant couple of days to settle the dispute amicably". On the same day the Respondent sent a Email to the Arbitrator looping in her Company's Partner Chaithanya Rao email id, so that they can provide necessary authorization. Seeing both parties not following Arbitration Rules, The Arbitrator sent notice to all the parties concerned, reiterating the Rules and procedures to be followed in Arbitral proceedings that "1. No request to the other side party can be made during Arbitral proceedings and both the parties to address the Arbitrator only, who in turn will direct the other party as per law. 2. Neither any Request to other party to transfer domain name nor the other party furnishing the details, is entertained without the approval of Arbitrator.3. The Person who is appearing for the party on their own, has to submit the Authorisation from their Firm and should not loopin any other person for getting the same. 4. if no proper authorisation of Respondent is received by the end of

International Postal Name Ramya Rao

International Postal City Thane

International Postal Postcode/Zip Code 400615

International Postal Country IN

Registrant Registrar Name Endurance Digital Domain Technology Private Limited

Registrant Registrar IANA ID 801217

The Domain Name sodexa.in was created on October 4, 2024.

## V. PROCEDURAL HISTORY

1. The Sole Arbitrator, Tmt.M.Shirijha was appointed On 24<sup>th</sup> January 2025 for the INDRP case no. 1899 regarding the Complaint dated September 23, 2024 filed under the INDRP.
2. On the same day, the Arbitral Tribunal issued the Notice of Arbitration under 5(c) of the Rules, to the parties for commencement of Arbitral Proceedings by email and directed the Complainant to serve the said Notice to the Respondent, both Online and Offline to the address mentioned therein. The Respondent was given an opportunity to file a response in writing in opposition to the Complaint, if any along with evidence in support of its stand or contention on or before seven working days from the date of receipt of the said Notice.
3. On 27<sup>th</sup> January 2025, the Complainant informed the Arbitral Tribunal that they have served the copy of the Complaint along with the annexures to the Respondent's E mail address via email and submitted the said email copy and email delivery proof. The Complainant further informed the Arbitral Tribunal that they have requested the Respondent's full address via Email, as their address provided in the WHOIS records of the said domain name is incomplete on receipt of which will send them the copies physically. The Complainant thereby requested the Arbitrator to consider receipt of the email to Respondent as service of the complaint to them and proceed accordingly. but The Arbitral Tribunal awaited the Reply of the Respondent in this regard .but there is no response from the Respondent's end.
4. In the interest of justice the Arbitral Tribunal under Rule 13 of the INDRP Rules of Procedure granted the Respondent a further opportunity to file their objections if any, by directing the Complainant on 30<sup>th</sup> January 2025 to send another notice to Respondent via Email which was also complied with on the same day by the Complainant. Hence the service on the Respondent was done in accordance with Rule 2(a) of the Rules.

working hours of today (as 7 days from the date of receipt of intimation completed), the Arbitrator will proceed in accordance with law, as if no one has appeared on behalf of the Respondent. "

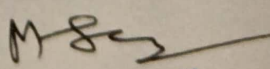
7. Accordingly the Respondent submitted the Authorisation letter from the said Chaithanya Rao – Partner at Progist Solutions LLP authorizing her to represent on his behalf and he also reiterated the same stand taken by the Respondent Ramya Rao consenting to the Award to be passed in favour of the Complainant. The said submissions of the Respondent was recorded.

Though Respondent has submitted to the Award, Let us see in nutshell the Complaint of the Complainant herein.

## VI. COMPLAINANT'S CONTENTIONS

1. The Complainant in the administrative proceedings is Sodexo, a French Company, a global leader in providing services that impact the Quality of Life of its clients and their employees in the corporate segment and remote sites, patients and visitors in the healthcare segment, and students and faculty in the education segment. The Complainant's principal place of business is France, having 423,467 employees and it does business in many countries around the world including in India. The present complaint is instituted on account of misappropriation of the Complainant's trade/service marks and name SODEXO by adoption/use of virtually term SODEXA by the Respondent in the subject Domain Name, which is extremely similar to the Complainant's mark SODEXO.

2. The Complainant earned consolidated revenue of Euro 23.8 billion, serving 80million consumers daily in 45 countries for the financial year 2024. The Complainant had been using the trade mark and name SODEXHO since its incorporation in the year 1966. However, in the year 2008, the Complainant changed its trade name and marks to SODEXO. The Complainant is listed as one of "The world's Most Admired Companies" by FORTUNE Magazine: <https://fortune.com/ranking/worlds-most-admired-companies/>. In India, the Complainant has been present since 1997 and provides a bouquet of 100+ service offerings to various corporates, healthcare organisations, manufacturing locations and schools and universities. The Complainant's solutions include food and catering, facilities management, technical services, workplace experience, and energy management. The Complainant has spent considerable

  
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amount of resources on numerous activities to maintain and heighten the popularity of its mark and name SODEXO. Internet searches for the mark and name SODEXO lead to the Complainant's products/website/ information which clearly substantiates the popularity of the Complainant's marks in India. There are various international registrations for the SODEXO mark world over and besides the Complainant's main domain name registration sodexo.com, the Complainant has country specific sub-domain names, including one for India i.e. in.sodexo.com. The Complainant has been very vigilant is taking appropriate action against identical/similar domain names.

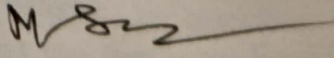
### 3. Legal Grounds:

a) The Domain Name "sodexa.in is virtually almost identical and confusingly similar to SODEXO, the prior registered trade and service mark in which the Complainant has rights for the following reasons:

The Complainant has prior registrations for the well-known mark SODEXO. The disputed Domain Name is a clear misspelling of the SODEXO mark. The Respondent has used the coined word 'SODEXO' of the Complainant in entirety and simply replaced the last letter "O" with "A". This minor change does not render the Domain Name distinctive or dissimilar, is not sufficient to avoid a finding of confusing similarity and is an indication of a typosquatting with the intention of taking advantage of the Complainant's substantial reputation and prominent presence on the Internet..The Domain Name is visually and phonetically almost identical and deceptively similar to the Complainant's famous and highly distinctive trade and service mark SODEXO. The Domain Name is likely to falsely lead the public into believing that the domain name originates from the Complainant and shall lead to confusion and deception.

b) The Respondent should be considered as having no right or legitimate interest in respect of the domain name "sodexoa.in" that is subject of the Complaint, for following reasons:

The Respondent has registered a Domain Name that is virtually almost identical and deceptively similar to the Complainant's coined and prior registered as well as well-known trade and service mark/ name SODEXO. the Respondent is aware of the Complainant's well-known trade and service mark and name SODEXO which corresponds to excellent quality of goods and services. There is no license, consent or other right by which the Respondent is entitled to register or use the almost identical and confusingly similar Domain Name. The Complainant's

  
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mark/name SODEXO has presence in many countries around the globe including India. Further, the Complainant is using SODEXO as a sub-domain name specifically for India in.sodexo.com . Therefore, the disputed domain name shall cause confusion and amount to infringement. The disputed domain name has been registered only to ride upon the goodwill enjoyed by the trade and service mark of the Complainant. The disputed Domain Name lacks ingenuity and has been undoubtedly adopted from the trade and service mark, company name and domain names of the Complainant. The Respondent's adoption/use/registration of the almost identical and confusingly similar term SODEXA does not satisfy the test for bona fide registration/use. The Domain Name being almost identical to the Complainant's well-known mark is inherently misleading and could believe that it is owned by the Complainant. The disputed domain name registered by the Respondent leads to "This domain cannot be accessed in this way", an inactive/parked page, which has been registered with mala fide intention to misappropriate the reputation of the Complainant's mark and deceive people browsing on the Internet into believing that the disputed domain name is associated with the Complainant whereas such association does not exist. It is quite clear that the main motive of the Respondent behind registration of the Domain Name is to mislead people and divert them to its website, Thereby increasing the traffic on its own website.

c) The domain name should be considered as having been registered and used in bad faith, for the following reasons:

The Respondent has no prior right and/or authorization to use a Domain Name almost identical and very similar to the Complainant's trade mark/name SODEXO. As the Complainant has been using the trade mark/name SODEXO extensively and continuously since the year 2008 world over and also in India, the Respondent cannot claim to be unaware of the said trade mark/name. The use of the domain name with .IN is almost identical and confusingly/deceptively similar to the trade and service mark SODEXO of the Complainant, which will mislead the Internet users and make them believe that the domain name is related to the Complainant. The domain name has been registered primarily for the purpose of disrupting the business of the Complainant. The unauthorized registration of the disputed domain name by the Respondent and its passive holding, likely in the aim of a fraudulent use, are for the purpose of commercial gain and constitute bad faith registration and use. The Respondent has copied the mark SODEXO and is trying to escape liability by replacing last letter "O" in the Complaint's well-known mark and name with the letter "A". The disputed



domain name registered by the Respondent is very recent and does not appear to be in use. Therefore, no loss or harm or injury will be caused to the Respondent if the said domain name is transferred to the Complainant. By contrast, serious injury would be caused to the Complainant if the said domain name is not transferred to it. It is therefore prayed to issue a decision that the domain name "sodexa.in" be transferred to the Complainant. It is also humbly prayed that huge costs and damages be imposed on the Respondent to discourage and deter such malpractices in future.

#### VII. DISCUSSIONS AND FINDINGS:

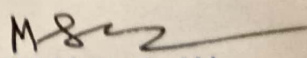
A Complainant who alleges that the disputed domain name conflicts with its legitimate rights or interests must establish the following three elements required by Paragraph 4 of the INDRP Policy namely:

- a) The Respondent's domain name is identical and confusingly similar to the trademark or service mark in which the Complainant has rights.
- b) The Respondent has no rights or legitimate interests in respect of the domain name
- c) The Respondent's domain name has been registered or is being used in bad faith.

The Complainant has filed Documents and Annexures to prove their Contentions which is reliable and acceptable.

On the part of Respondent Ramya Rao She submitted the Authorisation letter from One Chaithanya Rao – Partner at Progist Solutions LLP authorizing her to represent on his behalf. The Respondent via email to The Arbitrator has submitted that "they are a cyber security startup and The domain name sodexa.in was registered specifically for one of their new cyber security products and is in no way related to the business operations of Complainant Sodexo". She further stated in that mail that they have no intention of venturing into Complainant's line of business. She added that While it may look similar to Complainant's name, the abbreviation basis which the domain was purchased was for their product on "Secure Operations Detection and Enhanced Xploit Analysis – SODEXA" and However, as a gesture of goodwill, they are open to transferring the domain to the Complainant.

Thiru Chaithanya Rao – Partner at Progist Solutions LLP via Email to the Arbitrator, has also reiterated the said stand taken by the Respondent Ramya Rao. Both of them have admitted to the identical nature of Disputed Domain name "sodexa.in" with that of the

  
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Complainant's Domain name "sodexo" . Further They have consented for the transfer of the said Domain Name 'sodexa.in" in favour of the Complainant. This Tribunal appreciates the Respondent for admitting the identical nature of their disputed domain name with that of Complainant's and agreeing for the Transfer of the same in favour of the Complainant as a gesture of good will and putting an end to the issue at the initial stage of Arbitral proceedings itself.

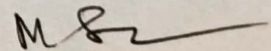
The Respondent, to show her Good Will further has voluntarily given the auth code to the Complainant when requested by its Authorised Representative, who has without the approval of the Arbitrator has asked for it from her, violating the rules of Arbitral proceedings. Moreover The Authorised Representative of the Complainant has also asked the Arbitrator to stay away during the Arbitral Proceedings 'as the Respondent has shown its intention to transfer the domain name to their Client amicably and they are trying to facilitate the same' which made the Arbitrator to remind him of the violation of Arbitral Rules and procedures.

#### **VIII.DISPOSITIONS:**

In the Result, it is held that the Complainant is entitled for the relief sought for and **The Arbitral Tribunal directs that The Disputed Domain name <WWW. sodexa..IN> be transferred to the Complainant Sodexo** 255, Quai de la Bataille de Stalingrad, 92130 Issy-Les-Moulineaux, France . No Costs.

**Place: Chennai**

**Dated: 16<sup>th</sup> Febraury 2025**



**(M.SHIRIJHA)**

Sole Arbitrator

The Arbitral Tribunal

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