Decision for dispute CAC-UDRP-100772

Case number	CAC-UDRP-100772
Time of filing	2014-03-14 11:58:11
Domain names	Schneider-eletric.com

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	SCHNEIDER ELECTRIC S.A.

Complainant representative

Organization	Nameshield (Anne Morin)

Respondent

Organization	Domain Admin / Private Registrations Aktien Gesellschaft

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which relate to the disputed domain name SCHNEIDER-ELETRIC.COM (the 'Domain Name').

IDENTIFICATION OF RIGHTS

SCHNEIDER ELECTRIC S.A. (the 'Complainant') is the owner of numerous registered trade marks for the words "Schneider Electric", including the registration of a Community Trade Mark under number 1103803 in various classes.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant, which was founded in 1871, is a French industrial business trading internationally. It manufactures and offers products for power management, automation, and related solutions. The Complainant's corporate website can be found at www.schneider-electric.com.

The Complainant is featured on the NYSE Euronext, and the French CAC 40 stock market index. In 2012, the Complainant achieved a turnover of € 24 billion.

The Complainant owns various trade marks which include the words SCHNEIDER ELECTRIC. The Complainant is also the

owner of many Internet domain names which include the words SCHNEIDER ELECTRIC.

The disputed domain name SCHNEIDER-ELETRIC.COM (the 'Domain Name') was registered on 11 December 2005.

The Complainant asserts that the Domain Name is confusingly similar to its various trade marks for SCHNEIDER ELECTRIC.

The Complainant filed its complaint in relation to the Domain Name with the Czech Arbitration Court on 14 March 2014.

The Respondent failed to submit a Response within the time frame required in this Complaint, or at all, and a Notification of Respondent’s Default was therefore issued by the Czech Arbitration Court on 10 April 2014.

Having received a Statement of Acceptance and Declaration of Impartiality, the Czech Arbitration Court appointed Steve Palmer, of Palmer Biggs Legal - Solicitors, as the Panel in these UDRP proceedings.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant asserts that the Domain Name is confusingly similar to its well known and distinctive trade mark SCHNEIDER ELECTRIC. Further, as the Domain Name only omits the letter "C" from the second word of the Complainant's trade mark, it is a clear case of "typosquatting", a practice by which “a registrant deliberately introduces slight deviations into famous marks” for commercial gain.

Numerous panels have confirmed that the use of misspellings in domain names indicates bad faith on the part of the registrant. Using misspellings of domain names in order to trick individuals into viewing unrelated advertisements or websites is evidence of bad faith use of a domain name. Typosquatting is profitable, because a website with a domain name consisting of a common misspelling of a famous trade mark generates Internet traffic and, therefore, possible advertising revenue.

The wording SCHNEIDER ELECTRIC is only known in relation to the Complainant. It has no meaning whatsoever in English or in any other language. A Google search on the wording SCHNEIDER ELECTRIC displays various results, all related to the Complainant.

The Respondent does not have any rights or legitimate interest in the Domain Name.The Respondent is not affiliated with or authorised by the Complainant in any way. The Respondent has no right or legitimate interest in the Domain Name and is not related in any way to the Complainant's business.

The Complainant concludes that the Respondent has registered and is using the Domain Name in bad faith.

The Complainant requests the transfer of the Domain Name.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the Domain Name is confusingly similar to a trade mark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i)of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the Domain Name (within the meaning of paragraph 4(a)(ii)of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the Domain Name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii)of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Paragraph 4(a)(i) of the Policy

The Panel finds the Domain Name confusingly similar to the SCHNEIDER ELECTRIC trade mark in which the Complainant has registered rights.

Paragraphs 4(a)(ii) and 4(a)(iii) of the Policy

The Respondent failed to file an administratively compliant response. In the circumstances the Panel finds from the facts put forward that:

The Respondent has no rights or legitimate interests in respect of the Domain Name. There was nothing put forward in this case file which might suggest otherwise.

The Domain Name has been registered and is being used in bad faith:
- The Panel believes from the facts that the Respondent had the Complainant and its SCHNEIDER ELECTRIC trade mark in mind when registering the Domain Name.
- The Panel finds that the Domain Name is likely to have been registered intentionally to attempt to attract, for commercial gain, Internet users to the web site hosted at the Domain Name, by creating a likelihood of confusion with the Complainant's trade mark (paragraph 4(b)(iv) of the Policy).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **SCHNEIDER-ELETRIC.COM**: Transferred

PANELLISTS

Name	**Steve Palmer**

DATE OF PANEL DECISION 2014-04-24

Publish the Decision