Decision for dispute CAC-UDRP-103468

Case number	CAC-UDRP-103468
Time of filing	2020-12-18 09:32:24
Domain names	schniederelec.com

Case administrator

Organization	Denisa Bilík (CAC) (Case admin)

Complainant

Organization	SCHNEIDER ELECTRIC SE

Complainant representative

Organization	Nameshield (Laurent Becker)

Respondent

Name	GAME Boy

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

According to the evidence submitted by Complainant, Complainant is the owner of the international trademark nr. 715395 SCHNEIDER ELECTRIC registered on 15 March 1999.

FACTUAL BACKGROUND

According to the evidence submitted by Complainant, Complainant is a French industrial group founded in 1871 with an international dimension, which manufactures and offers products of power management.

The disputed domain name <schniederelect.com> was registered on 1 September 2020 and is held by Respondent.

According to the information provided by Complainant the disputed domain name does not resolve to an active website.

The trademark registration of Complainant has been issued prior to the registration of the disputed domain name.

According to Complainant the disputed domain name is confusingly similar to Complainant's trademark. Complainant

asserts that this is a clear case of typosquatting, as the disputed domain name contains an obvious misspelling of Complainant's trademark.

Complainant contends that Respondent has no rights or legitimate interests in respect of the disputed domain name. Complainant does not carry out any activity for, nor has any business with Respondent. Neither license nor authorization has been granted to Respondent to make any use of Complainant's trademark SCHNEIDER ELECTRIC, or apply for registration of the disputed domain name by Complainant. Complainant also claims that the disputed domain name is a typosquatted version of the trademark SCHNEIDER ELECTRIC. Typosquatting is the practice of registering a domain name in an attempt to take advantage of Internet users' typographical errors and can be evidence that a respondent lacks rights and legitimate interests in the domain name. Finally, the website in relation with the disputed domain name <schniederelec.com> is not used or did not make any use of disputed domain name since its registration, and confirms that Respondent has no demonstrable plan to use the disputed domain name since its registration. Past panels have held that the lack of use of a domain name is considered as an important indicator of the absence of legitimate interests by Respondent.

According to Complainant the disputed domain name is registered and is being used in bad faith. The misspelling of Complainant's trademark in the disputed domain name is a proof of bad faith. Complainant contends that Respondent has knowledge of Complainant's rights prior to the registration of the disputed domain name, which is a hallmark of bad faith. Moreover, the disputed domain name does not resolve to an active website. Complainant contends that Respondent has not demonstrated any activity in respect of the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the domain name by Respondent that would not be illegitimate. As prior panels have held, the incorporation of a famous mark into a domain name, coupled with an inactive website, is evidence of bad faith registration and use.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

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

BAD FAITH

Complainant has, to the satisfaction of the Panel, shown the disputed 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

In the opinion of the Panel the disputed domain name is confusingly similar to Complainant's trademark. Many UDRP decisions have found that a disputed domain name is identical or confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark or the principal part thereof in its entirety. Complainant has established that it is the owner of a trademark registration for SCHNEIDER ELECTRIC. The disputed domain name incorporates almost the entirety of the well-known SCHNEIDER ELECTRIC trademark as its distinctive element. The inversion of the letters "E" and "I" of the trademark in the disputed domain name and the deletion of the letters "TRIC" are insufficient to avoid a finding of confusing similarity as the SCHNEIDER ELECTRIC trademark remains the dominant component of the

disputed domain name. The top-level domain “com” in the disputed domain name may be disregarded. The Panel notes that Complainant’s registration of its trademark predates the creation date of the disputed domain name.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interest in the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use its trademark or to register the disputed domain name incorporating its mark. Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark of Complainant. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent. In the view of the Panel this case is a typical case of “typosquatting” which does not confer any rights nor interest in the disputed domain name.
Respondent did not submit any response.
Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that the disputed domain name has been registered and is being used in bad faith. Respondent knew or should have known that the disputed domain name included Complainant’s well-known SCHNEIDER ELECTRIC mark. The Panel notes that there is currently no active website at the disputed domain name. Such non-use of the disputed domain name does not prevent the Panel from finding registration and use in bad faith. The Panel further notes that the undeveloped use of the website at the disputed domain name which incorporates Complainant’s trademark almost in its entirety indicates that Respondents possibly registered the disputed domain name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademark of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location, which constitutes registration and use in bad faith.
Finally, according to the information provided by the Registrar, the Whois information about the disputed domain name mentions the Registrant City as “Kingman, New York”, the Registrant Postal Code as “47952”, the Registrant Country as “United States” and the Registrant Phone as “+1.8988777372”. In the view of the Panel, this information is obviously false. In the United states there a phone number with area code “898” does not exist. The United States Postal Code “47952” refers to the city of Kingman, Indiana and not Kingman, New York. In the view of the Panel such obvious false and misleading registration information is an additional demonstration of the bad faith of Respondent.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **SCHNIEDERELEC.COM**: Transferred

PANELLISTS

Name	**Dinant T.L. Oosterbaan**

DATE OF PANEL DECISION 2021-01-14

Publish the Decision