

Decision for dispute CAC-UDRP-103898

Case number	CAC-UDRP-103898
Time of filing	2021-07-01 09:18:34
Domain names	schneider-electric.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)
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Complainant

Organization	SCHNEIDER ELECTRIC SE
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Complainant representative

Organization	Nameshield (Laurent Becker)
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Respondent

Organization	Big Meech
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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

The Complainant proved to be the owner of the following trademarks composed by "SCHNEIDER ELECTRIC":

- international trademark SCHNEIDER ELECTRIC® n° 715395 registered since March 15, 1999;
- international trademark SCHNEIDER S ELECTRIC® n° 715396 registered since March 15, 1999;
- European Unione trademark SCHNEIDER ELECTRIC® n° 1103803 registered since March 12, 1999.

The Complainant is also the owner of the domain name <schneider-electric.com> registered and used since October 3, 1997.

FACTUAL BACKGROUND

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

The Complainant, is French company, founded in 1871. 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 2019, the Complainant revenues amounted to 27.2 billion euros.

The Complainant owns several trademarks composed by "schneider electric" including the trademarks used as the basis of the complaint. Moreover the Complainant owns several domain names, including [<schneider-electric.com>](http://schneider-electric.com).

The disputed domain name was registered on June 23, 2021 and resolve to a parking page with commercial links.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant claims that the disputed domain name is confusingly similar to its prior trademarks and domain name as the addition/substitution of one letter is not sufficient to exclude confusing similarity with "schneider electric".

The Complainant supports its allegations citing prior UDRP decisions which confirmed that misspelling of the complainant's trademark does not prevent domain names from being confusingly similar to the trademarks.

Finally, the Complainant contends that TLD are disregarded when assessing confusing similarity as they are considered as standard registration requirements.

The Complainant claims that the Respondent has no rights nor legitimate interest in registering the disputed domain name. According to the Complainant assertions, there is no evidence that the Respondent is known as the disputed domain name or is, in some way, authorized to use the trademark "schneider electric".

Finally, the actual use of the disputed domain name is not considered a "bona fide offering of goods or services" nor a "legitimate noncommercial or fair use" for the purposes of the Policy.

As regards registration and use in bad faith, the Complainant claims that since the disputed domain name is a misspelling of the widely known "schneider electric" trademark it is reasonable to infer that the Respondent has registered the disputed domain names with full knowledge of the Complainant's rights.

Moreover, the fact that the disputed domain name links to a PPC webpage is considered an additional index of use in bad faith.

RESPONDENT:

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The 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 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 disputed 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 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

1. The disputed domain name is confusingly similar to a trademark in which the Complainant has rights

The Complainant has successfully proved to be the owner of the trademark "schneider electric" and of the domain name <schneider-electric.com>.

The disputed domain name is composed by the terms "SCHNEILDER-ELECTRIC". The Panel finds that the trademark "SCHNEIDER ELECTRIC" is fully recognizable in the disputed domain name and that the addition of the letter "L" and the element "-" has no impact in the confusing similarity assessment.

According to a consolidated case law in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in it, the confusing similarity threshold is met.

Furthermore, the addition of ".com" is generally disregarded in view of its technical function.

As a consequence, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademarks, for the purposes of the First Element of the Policy.

2. The Respondent lacks rights or legitimate interests in the disputed domain name

Pursuant to paragraph 4(a)(ii) of the Policy, a complainant is required to make out a prima facie case that a respondent lacks rights or legitimate interests in a domain name. Once such a prima facie case is made, the respondent carries the burden of demonstrating its rights or legitimate interests in the domain name. If the respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

In this case, the Panel finds that the Complainant's submitted evidence and allegations are sufficient to establish a prima facie case of Respondent's lack of rights and legitimate interests in the disputed domain name.

According to the information provided by the Complainant and not contested by the Respondent, Big Meech is not commonly known by the disputed domain name nor it is authorized to use the Complainant's trademarks.

Additionally, the disputed domain name links to a PPC webpage.

The Panel finds that such use discloses an absence of a bona fide offering of goods or services and of a legitimate noncommercial/ fair use of the disputed domain name. In the view of the Panel, given the distinctiveness of the Complainant's trademarks, the sponsored links are used by the Respondent to capitalize on the reputation and goodwill of the "SCHNEIDER ELECTRIC" trademark.

For these reasons, the Panel takes the view that the Respondent lacks rights or legitimate interests in the disputed domain name for the purposes of the Policy.

3. The disputed domain name was registered and is used in bad faith

The Panel finds the following circumstances as material in order to establish the Respondent's bad faith in the registration of the disputed domain name:

(i) the disputed domain name was registered well after the Complainant acquired rights on the trademark SCHNEIDER ELECTRIC;

(ii) the disputed domain name is a clear and obvious misspelling of the Complainant's trademark (i.e. typosquatting).

Previous panels found that typosquatting discloses an intention on the part of the respondent to confuse users seeking or expecting to find a website related to the complainant.

As regards use in bad faith, the disputed domain name currently resolve to PPC webpages. The links sponsored through the disputed domain name are not explicable by a "dictionary meaning" of the word "SCHNEIDER ELECTRIC. As a consequence the Panel finds that the disputed domain name is used to exploit the reputation and distinctiveness of the Complainant's trademark for the Respondent's commercial gain and such use is considered in bad faith,

All above considered the Panel finds the evidence submitted as sufficient to prove use and registration of the disputed domain name in bad faith for the purposes of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **SCHNEILDER-ELECTRIC.COM**: Transferred

PANELLISTS

Name	Andrea Mascetti
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DATE OF PANEL DECISION	2021-08-02
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Publish the Decision
