

Decision for dispute CAC-UDRP-103960

Case number	CAC-UDRP-103960
Time of filing	2021-08-03 09:24:38
Domain names	schneider-electric.com

Case administrator

Organization	Denisa Bilík (CAC) (Case admin)
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Complainant

Organization	SCHNEIDER ELECTRIC SE
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Name	michele Swanson
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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 is - among others - the owner of the international trademark registrations no. 715395 and no. 715396 (both registered since 1999) for SCHNEIDER ELECTRIC.

The Complainant also owns several domain names incorporating the wording SCHNEIDER ELECTRIC, such as <schneider-electric.com> (since 1997).

FACTUAL BACKGROUND

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

The Complainant is a well-known French company trading internationally, which manufactures and offers products for power management, automation, and related solutions through the brand/business name SCHNEIDER ELECTRIC.

The Complainant is the owner of several trademark registrations and domain names consisting in the wording SCHNEIDER ELECTRIC since the late 90's.

The Respondent has registered the domain name <schneider-electric.com> only last September 8, 2020. According to the Complainant, the disputed domain name would be a variation of the Complainant's registered trademark SCHNEIDER ELECTRIC, with the replacement of letter "e" with letter "a" in the verbal portion "Schneider".

The Complainant affirms that the Respondent has no rights or legitimate interests in respect of the disputed domain name and is not related in any way with the Complainant's business. In particular, the Complainant states that the Respondent is not affiliated with SCHNEIDER ELECTRIC, nor authorized by such company in any way. In addition, The Complainant affirms it currently does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use, or apply for registration of the disputed domain name by the Complainant.

The Complainant contends that the disputed domain name has been registered and is being used in bad faith, as it redirects to a parking page with commercial links.

PARTIES CONTENTIONS

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

THE DISPUTED DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR TO THE COMPLAINANT'S TRADEMARK

The Panel finds that the disputed domain name is confusingly similar to the trademark SCHNEIDER ELECTRIC and to the relative domain names registered by the Complainant, which has proven to have prior rights since 1997.

In particular, the Panel agrees that the mere replacement of letter "e" with letter "a" in the verbal portion "Schneider" is not sufficient at all to escape the finding that the domain name is confusingly similar to the trademark SCHNEIDER ELECTRIC. On the contrary, the obvious misspelling of the Complainant's trademark SCHNAIDER ELECTRIC instead of SCHNEIDER ELECTRIC is a clear evidence of "typosquatting".

Many WIPO and CAC decisions confirmed that slight spelling variations do not change the overall impression of the designation as being connected to the Complainant's trademark. They do not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and domain names associated.

There is no doubt that the same case lies before us in this matter.

THE RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

According to the information provided by the Complainant, the Respondent is not affiliated nor authorized by the Complainant in any way. Likewise, the Complainant neither licensed nor authorized the Respondent to make any use of its trademark SCHNEIDER ELECTRIC, or to apply for registration of the disputed domain name on behalf of the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent.

It is undeniable that Complainant is only required to make out a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. Once such prima facie case is made, Respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a) (ii) of the Policy.

Given all the above and taken into account the fact that the Respondent did not provide any response within the present proceeding, the Panel accepts the contentions of the Complainant that the Respondent has no such rights or legitimate interests in <schnaider-electric.com>.

THE DISPUTED DOMAIN NAME HAS BEEN REGISTERED AND IS BEING USED IN BAD FAITH

The Panel finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, neither of the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name. This prima facie evidence was not challenged by the Respondent.

The disputed domain name redirects to a parking page with commercial links and such circumstance would demonstrate that the Respondent has attempt to attract Internet users to his own website thanks to the Complainant's trademark for its own commercial gain, which is an evidence of bad faith.

In the absence of a response from Mr Michele Swanson and given the reputation of the Complainant and its trademark, the Panel infers that the Respondent had the Complainant's trademarks SCHNEIDER ELECTRIC in mind when registering the disputed domain name.

Consequently, the Panel believes that the same was registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

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

PANELLISTS

Name	Tommaso La Scala
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DATE OF PANEL DECISION	2021-09-03
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Publish the Decision