

Decision for dispute CAC-UDRP-104011

Case number	CAC-UDRP-104011
Time of filing	2021-09-09 09:58:06
Domain names	schneider-electrical.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 S.A.S.
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Respondent

Organization	LEAZ EDUTECH INSTITUTE
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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, 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 2019, the Complainant revenues amounted to 27.2 billion euros.

The Complainant owns several trademarks including the terms "SCHNEIDER ELECTRIC", such as:

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

The Complainant is also the owner of many domain names which include the trademark SCHNEIDER ELECTRIC® such as <schneider-electric.com> registered and used since October 3, 1997.

The disputed domain name <schneider-electrical.com> was registered on July 13, 2021 and redirects to the Complainant's website <https://www.se.com/>.

FACTUAL BACKGROUND

The Complainant states that the disputed domain name <schneider-electrical.com> is confusingly similar to its trademark SCHNEIDER ELECTRIC.

Indeed, the addition of letters "AL" in the disputed domain name is not sufficient to avoid the likelihood of confusion with the Complainant's trademark. The addition of the letter constitutes an obvious misspelling of the Complainant's trademark SCHNEIDER ELECTRIC ® and is characteristic of a Typosquatting practice intended to create confusing similarity between the Complainant's trademark and the disputed domain name.

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).

The Complainant states that the disputed domain name <schneider-electrical.com> is confusingly similar to its trademark SCHNEIDER ELECTRIC.

Indeed, the addition of letters "AL" in the disputed domain name is not sufficient to avoid the likelihood of confusion with the Complainant's trademark. The addition of the letter constitutes an obvious misspelling of the Complainant's trademark SCHNEIDER ELECTRIC ® and is characteristic of a Typosquatting practice intended to create confusing similarity between the Complainant's trademark and the disputed domain name.

Therefore, the disputed domain name is "confusingly similar" to a mark in Complainant has established rights within the meaning 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).

The Respondent is not affiliated with, nor authorized by the Complainant in any way. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license, nor authorization has been granted by the Complainant to the Respondent to make any use of the Complainant's trademark, or apply for registration of the disputed domain name or any other domain name. The Whois contact information also supports that Respondent is not commonly known by the disputed domain name.

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).

Given the distinctiveness of the trademark and the content of the website, it is clear that the Respondent registered the disputed domain name in knowledge of the Complainant and its trademarks.

The disputed domain name <schneider-electrical.com> is confusingly similar to the Complainant trademark SCHNEIDER ELECTRIC®.

All these elements lead to the conclusion that the Respondent has intentionally attempted to attract Internet users to the Respondent's website for commercial gain by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of such websites.

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 three essential issues under the paragraph 4(a) of the Policy are whether:

i. the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

ii. the Respondent has no rights or legitimate interests with respect to the disputed domain name; and

iii. the disputed domain name has been registered and is being used in bad faith.

2. The Panel reviewed carefully all documents provided by the Complainant. The Respondent did not provide the Panel with any documents or statements. The Panel also visited all available websites and public information concerning the disputed domain name, namely the WHOIS databases.

3. The UDRP Rules clearly say in its Article 3 that any person or entity may initiate an administrative proceeding by submitting a complaint in accordance with the Policy and these Rules.

4. The Panel therefore came to the following conclusions:

a) The Complainant has clearly proven that it is a long standing and successful company in the power management sector. It is clear that its trademarks and domain names "schneider electric" are well-known.

The Complainant states that the disputed domain name is confusingly similar to its trademark. Indeed, the trademark is incorporated in its entirety in the disputed domain name. Change of two characters in it is not distinctive enough.

The disputed domain name is therefore deemed identical or confusingly similar.

b) It has to be stressed that it was proven that there are no fair rights of the Respondent to the disputed domain name. The Respondent is not generally known by the disputed domain name, and has not acquired any trademark or service mark rights in the name or mark.

The Panel therefore finds that the Respondent does not have rights or legitimate interest with respect to the disputed domain name.

c) The disputed domain name was registered with an intention to attract customers of another well-known domain

name/registered trademark holder. Therefore, there cannot be seen any legitimate interest of the Respondent.

It is clear that the Complainant's trademarks and website(s) were used by the Complainant long time before the disputed domain name was registered and used. It is therefore concluded that the disputed domain name was registered with an intention to attract customers of another well-known domain name/registered trademark holder.

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith. For the reasons stated above, it is the decision of this Panel that the Complainant has satisfied all three elements of paragraph 4(a) 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-ELECTRICAL.COM**: Transferred

PANELLISTS

Name	Dr. Vít Horáček
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DATE OF PANEL DECISION	2021-10-12
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Publish the Decision
