

Decision for dispute CAC-UDRP-103931

Case number CAC-UDRP-103931

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Domain names penntair.com

Case administrator

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

Complainant

Organization Pentair Flow Services AG

Complainant representative

Organization HSS IPM GmbH

Respondent

Name Scott Fisher

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 the owner of several trademarks bearing "PENTAIR" in numerous countries, such as:

- U.S. Trademark Reg. No. 50003584 registered on July 19, 2016;
- U.S. Trademark Reg. No. 4809071 registered on September 8, 2016;
- U.S. Trademark Reg. No. 4664463 registered on December 30, 2014;
- U.S. Trademark Reg. No. 5003565 registered on July 19, 2016;
- Canada Trademark Reg. No TMA1025371 registered on June 13, 2019;
- China Trademark Reg. No. 3941316 registered on December 21, 2005;

- China Trademark Reg. No. 10871907 registered on August 28, 2015;
- China Trademark Reg. No. 11519174 registered on August 21, 2014;
- Swiss Trademark Reg. No. 675144 registered on July 2, 2015; and
- EU Trademark Reg. No. 010829117 registered on December 12, 2012.

Also, the Complainant uses several domain names including the term "PENTAIR", such as <PENTAIR.COM>, <PENTAIR.NET> or <PENTAIR.ORG>.

FACTUAL BACKGROUND

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

The Complainant belongs to the Pentair Group, a water treatment organization with its parent company Pentair plc incorporated in Ireland and its main US office in Minneapolis, Minnesota. It was founded in the US in 1966 and currently comprises numerous subsidiaries with 10,000 employees from approximately 120 locations in 25 countries. Its 2019 revenue was over \$3.0 billion USD.

The Complainant uses its trademark "PENTAIR" as well as several domain names including the term "PENTAIR", in particular <PENTAIR.COM>, for its products, services and as company name.

The disputed domain name <PENNTAIR.COM> was registered on August 5, 2021 and points to a parking page with sponsored 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

As the Respondent did not file an administratively compliant Response, pursuant to paragraph 14(b) of the Rules, the Panel may draw such inferences therefrom as it considers appropriate. Thus, the Panel accepts the contentions of the Complainant as admitted by the Respondent.

A. The disputed domain name is confusingly similar to the trademark "PENTAIR" of the Complainant

The Complainant has, to the satisfaction of the Panel, shown that it has valid rights for the trademark "PENTAIR".

The disputed domain name includes the Complainant's trademark in its entirety.

Moreover, neither the addition of the letter "N" nor the addition of the gTLD suffix ".COM" are sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademark. Nor does it change the overall impression of the designation as being connected to the trademark of the Complainant. With regard to "PENTAIR" this is a case of "typosquatting", i.e. the disputed domain name contains an obvious misspelling of the Complainant's trademark (addition of another "N" right after the only letter "N" with regard to the Complainant's trademark "PENTAIR").

B. The Respondent has no rights or legitimate interests in respect of the disputed domain name within the meaning of the Policy

The Complainant has established a prima facie proof that the Respondent has no rights or legitimate interests in the disputed domain name, since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to use its trademark in a domain name.

Neither, the disputed domain name does not correspond to the name of the Respondent nor is he commonly known as "PENTAIR".

In addition, the disputed domain points to a parking page. This passive holding of the domain indicates that the Respondent lacks rights and legitimate interests in the disputed domain name.

Further, the disputed domain name is a typosquatted version of the trademark "PENTAIR". Since typosquatting is a practice of registering a domain name in an attempt to take advantage of internet users' typographical errors, this circumstance is also evidence that the Respondent lacks rights and legitimate interests in the disputed domain name.

Summarised, there is no evidence for a use of the disputed domain name for any bona fide offer of goods or services or a legitimate non-commercial or fair use.

C. The disputed domain name has been registered and are being used in bad faith within the meaning of the policy

The Complainant's trademark "PENTAIR" is widely known. Given the distinctiveness of the Complainant's trademark and reputation, it can be concluded that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark.

Also, the passive holding of the disputed domain name with presumed knowledge of the corresponding trademark rights of the Complainant indicates, that the Respondent has registered and uses the disputed domain name in bad faith. The passive holding of the disputed domain name does not help the Respondent here, as the Complainant's trademark is a well known trademark, and there is no evidence of the Respondent's good faith use of the disputed domain name.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. PENNTAIR.COM: Transferred

PANELLISTS

Name **Dominik Eickemeier**

DATE OF PANEL DECISION **2021-10-16**

Publish the Decision
