

Decision for dispute CAC-UDRP-105170

Case number	CAC-UDRP-105170
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Time of filing	2023-02-02 08:34:31
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Domain names	saint-gobain.site
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Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	COMPAGNIE DE SAINT-GOBAIN
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Name	Elaine Enger
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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

Several trademarks, including :

- European trademark SAINT-GOBAIN n° 001552843 registered on December 18, 2001;
- International trademark SAINT-GOBAIN n° 740184 registered on July 26, 2000;
- International trademark SAINT-GOBAIN n° 740183 registered on July 26, 2000;
- International trademark SAINT-GOBAIN n° 596735 registered on November 2, 1992;
- International trademark SAINT-GOBAIN n° 551682 registered on July 21, 1989.

FACTUAL BACKGROUND

The Complainant is a French company specialized in the production, processing and distribution of materials for the construction and industrial markets.

The disputed domain name <saint-gobain.site> was registered on January 3, 2023 and resolves to a registrar parking page with configured MX servers.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

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 case law of the panels is consistent as to the fact that the ccTLD or gTLD is not taken into account in the assessment of the first condition. It follows that the disputed domain name is, in this case, identical to the Complainant's trademarks.

In the absence of a response from the Respondent, the Panel accepts the elements put forward by the Complainant, which tend to demonstrate the absence of a legitimate interest, namely:

- The Respondent is not commonly known in a way that relates to the disputed domain name.
 - The Respondent is not related in any way with the Complainant.
 - The Respondent does not carry out any activity for, nor has any business with the Complainant and neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark.
- In the absence of a response from the Respondent, the Panel accepts the elements put forward by the Complainant, which tend to demonstrate bad faith registration and use, namely:
 - Given the distinctiveness of the Complainant's trademark and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademark.
 - The disputed domain name resolves to a registrar parking page and there is no visible activity in respect of the disputed domain name.
 - The domain name has been configured with MX servers. This indicates the holder's intention to use it to send e-mails. This is an operation that, in the absence of an explanation of this point, is extremely suspicious and presages the use of the domain name for fraudulent purposes. This risk is all the more important in this case because the holder has a well-known trademark, and it is not clear, without a convincing explanation, why the holder of the domain name could lawfully exchange e-mails using the domain name.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **saint-gobain.site**: Transferred

PANELLISTS

Name	Mr. Etienne Wéry
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DATE OF PANEL DECISION	2023-03-03
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Publish the Decision
