

Decision for dispute CAC-UDRP-105405

Case number	CAC-UDRP-105405
Time of filing	2023-05-02 09:09:35
Domain names	schneider-electric-se.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

Name	se elec
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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 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.

FACTUAL BACKGROUND

The Complainant is a French industrial business established since 1871, with a consolidated position in the international business including listing in NYSE and French CAC40. It manufactures and offers products for power management, automation, and related solutions. It operates the corporate website at www.schneider-electric.com.

The disputed domain name <schneider-electric-se.com> has been registered on April 10, 2023 and it resolved to a parking page.

PARTIES CONTENTIONS

COMPLAINANT:

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

It is the complainant's submission that the <schneider-electric-se.com> is confusingly similar with solid earlier rights in "Schneider Electric", this finding being unaltered by the addition of the "SE" letters, which consist in a clearly descriptive acronym for "Societas Europaea".

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

The Complainant further asserts having never known neither authorized the Respondent in respect of any activity connected to the Complainant's activities or trademarks. The Respondent is not affiliated with nor authorized by SCHNEIDER ELECTRIC in any way. The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant does not carry out any activity for, nor has any business with the Respondent. The Complainant provided evidence showing the dispute domain names resolved to a parking page, which confirms the lack of any plausible, legitimate or genuine use of it.

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

With respect of the third prong according to UDRP Rules, the Complainant claimed the well-know status of its trademarks as acknowledged in several UDRP disputes, including WIPO Case No. D2020-1403, Schneider Electric S.A. v. Whois Privacy Protection Foundation / Sales department ("The Complainant and its trademark are well-known worldwide. The Complainant has been established almost 150 years ago while the disputed domain name was only registered a couple of months ago. The Respondent must have been fully aware of the Complainant and its trademark when it registered the disputed domain name.").

Bad faith is therefore conclusively asserted on account of Complainant's reputable earlier marks and the non-coincidental addition of the "SE" letters.

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

The Panel refers to the findings made in more than 20 disputes by CAC Panelists, in respect of the acknowledged reputation of Complainant's trademark rights. The disputed domain name clearly coincides with the SCHNEIDER ELECTRIC® trademarks, the "SE" being clearly perceived by any internet user as the initial letters of a wide range of descriptive terms not limited to "Societas Europaea" (a form of company introduced by Council Regulation (EC) No 2157/2001 of 8 October 2001 on the Statute for a European company (SE)), but which may also include the .se ccLTD for Sweden, or the "Small Enterprise" initials, or which could be more easily referred to the initials of the same Schneider Electric words. In all these cases, in line with settled case-law of the European Court of Justice (see Judgment of 15 March 2012 in joined cases C-90/10 and 90/11), initial letters have no effect in the general impression created by the meaningful parts of the domain name.

The disputed domain, more than being substantial identical with the Complainant's right, is not used within any legitimate business and it has been registered and used under a clear-cut bad faith pattern. It is obvious from Complainant's undisputed contentions and provided evidence that the Complainant and its trademarks were targeted while the disputed domain name was registered.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **schneider-electric-se.com**: Transferred

PANELLISTS

Name	Roberto Manno
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DATE OF PANEL DECISION **2023-06-07**

Publish the Decision
