

Decision for dispute CAC-UDRP-105498

Case number CAC-UDRP-105498

Time of filing 2023-06-05 09:58:39

Domain names schneider-electric.com

Case administrator

Name Olga Dvořáková (Case admin)

Complainant

Organization SCHNEIDER ELECTRIC SE

Complainant representative

Organization NAMESHIELD S.A.S.

Respondent

Name John Rezak

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:

- international trademark SCHNEIDER ELECTRIC n° 715395 registered on March 15, 1999;
- international trademark SCHNEIDER S ELECTRIC (figurative) n° 715396 registered on March 15, 1999;
- European trademark SCHNEIDER ELECTRIC n° 1103803 registered on March 12, 1999.

The Complainant is also the owner of many domain names which include the trademark SCHNEIDER ELECTRIC such as <schneiderelectric.com> registered since April 4th, 1996.

FACTUAL BACKGROUND

Facts asserted by the Complainant and not contested by the Respondent:

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 2022, the Complainant revenues amounted to 34.2 billion euros.

The Complainant is also the owner of many domain names which include the trademark SCHNEIDER ELECTRIC® such as <schneiderelectric.com> registered since April 4th, 1996.

The disputed domain name was registered on May 12, 2023 and resolves to the official homepage of the Complainant's website <https://www.se.com/ww/en/>.

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 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 name registered by the Complainant, which has proven to have prior rights since at least 1999.

In particular, the Panel agrees that the mere replacement of first letter "E" with letter "U" in "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 SCHNUIDER ELECTRIC instead of SCHNEIDER ELECTRIC is a clear evidence of "typosquatting".

Multiple and constant 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 right 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 <schnuider-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 legitimate 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. A mere redirection to the official homepage of the Complainant main website could not be construed as challenging the bad faith pattern of the Respondent. And in any case this prima facie evidence was not challenged by the Respondent.

Furthermore, typosquatting is an indication of bad faith registration and use per se.

Moreover, previous panels have also held that the use of a domain name for purposes other than to host a website may constitute bad faith, namely, sending e-mail, phishing, identity theft, or malware distribution (see WIPO Overview 3.0, para. 3.4). As the disputed domain name has been set up with MX records (which means that it may be actively used for email purposes), the Panel is, therefore, convinced that the disputed domain name was also used in bad faith.

The Panel finds the disputed domain name was registered and used in bad faith under the Policy. 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. **schnuider-electric.com**: Transferred

PANELLISTS

Name	David-Irving Tayer
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DATE OF PANEL DECISION 2023-07-05

Publish the Decision
