

## Decision for dispute CAC-UDRP-105534

Case number CAC-UDRP-105534

Time of filing 2023-06-15 09:32:16

Domain names schneider-elektric.com

### Case administrator

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

### Complainant

Organization SCHNEIDER ELECTRIC SE

### Complainant representative

Organization NAMESHIELD S.A.S.

### Respondent

Organization G Domains

#### 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 submitted evidence that it is the registered owner of the following trademarks:

- the international registration no. 715395 for "Schneider Electric" (logo) registered on 15 March 1999 in 6, 9, 11, 36, 37, 39 and 42 designating numerous countries around the world and having its basic registration in France;
- the international registration no. 715396 for "Schneider S Electric" (logo) registered on 15 March 1999 in classes 6, 9, 11, 36, 37, 39 and 42 designating numerous countries around the world and having its basic registration in France; and
- the European Union trademark no. 1103803 for "Schneider Electric" applied on 12 March 1999 in classes 6, 9, 11, 36, 37, 39 and 42.

#### FACTUAL BACKGROUND

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 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 4 April 1996.

The disputed domain name was registered on 17 September 2011 and resolves to a parking page with commercial links.

The Registrar confirmed that the Respondent is the current registrant of the disputed domain name, and that the language of the registration agreement is English.

The Respondent has not filed a Response.

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#### PARTIES CONTENTIONS

#### NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

The Complainant made the following contentions:

The Complainant states that the disputed domain name is confusingly similar to its trademark "SCHNEIDER ELECTRIC". The replacing of the letter "C" by "K" in the trademark constitutes an obvious misspelling of the Complainant's trademark and is characteristic of a typosquatting practice intended to create confusing similarity between the Complainant's trademark and the disputed domain name. Previous panels have found that the slight spelling variations does not prevent a domain name from being confusingly similar (see CAC Case No. 103960 where the panel found obvious misspelling of the Complainant's trademark in SCHNAIDER ELECTRIC instead of SCHNEIDER ELECTRIC as clear evidence of "typosquatting"). The Complainant also contends that the addition of the gTLD suffix ".COM" does not change the overall impression of the designation as being connected to its trademark. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant and its trademark. Thus, the Complainant believes the disputed domain name is confusingly similar to the Complainant's trademark "SCHNEIDER ELECTRIC".

The Complainant then points to the established case law on a prima facie case and the reversal of burden of proof to the Respondent. The Complainant asserts that the Respondent is not identified in the Whois database as the disputed domain name and that it is consequently not known as the disputed domain name. The Complainant also contends that the Respondent is not affiliated with, nor authorized by the Complainant in any way. The Complainant contends that 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. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark, or apply for registration of the disputed domain name by the Complainant.

Besides, the Complainant also claims that the disputed domain name is a typosquatted version of the trademark "SCHNEIDER ELECTRIC". Typosquatting is the practice of registering a domain name in an attempt to take advantage of Internet users' typographical errors and can evidence that a respondent lacks rights and legitimate interests in the domain name. Furthermore, the disputed domain name resolves to a registrar parking page with commercial links. Past panels have found it is not a bona fide offering of goods or services or legitimate non-commercial or fair use. Thus, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Turning to the bad faith argument, the Complainant states that the disputed domain name is confusingly similar to the Complainant trademark "SCHNEIDER ELECTRIC". Alluding to the well-known character of its trademark, the Complainant mentions the WIPO Case No. D2020-1403 in which the panel concluded that: "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."

Besides, the Complainant states the misspelling of the trademark was intentionally designed to be confusingly similar with the Complainant's trademark. On those facts, given the distinctiveness of the Complainant's trademarks and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademarks.

Finally, the Complainant points out that the disputed domain name resolves to a registrar parking page with commercial links. The Complainant contends that the Respondent has attempted to attract Internet users for commercial gain to his own website thanks to the Complainant's trademarks for its own commercial gain, which is an evidence of bad faith (as confirmed by previous panels). On all these bases, the Complainant concludes that the Respondent has registered and is using the disputed domain name in bad faith.

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#### 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).

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#### 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).

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#### 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).

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#### 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.

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#### PRINCIPAL REASONS FOR THE DECISION

This is a proceeding under Paragraph 4 of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") and the CAC Supplemental Rules.

Paragraph 15 of the Rules provides that the Panel shall decide the complaint based on the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

According to Paragraph 4(a) of the Policy, a complainant must prove each of the following: (i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; (ii) the respondent has no rights or legitimate interests in respect of the domain name; (iii) the domain name has been registered and is being used in bad faith.

##### 1. Identical or confusingly similar domain name

The Complainant demonstrated that it owns the asserted trademark registrations for the mark "SCHNEIDER ELECTRIC" which were obtained long before the registration of the disputed domain name. It is well established that a nationally or regionally registered trademark confers on its owner sufficient rights to satisfy the requirement of having trademark rights for standing to file a UDRP case. Therefore, the Panel finds that the Complainant has established such rights.

The disputed domain name incorporates the Complainant's trademark "SCHNEIDER ELECTRIC" in its entirety, except that the first letter "C" in the word ELECTRIC is replaced by letter "K". In view of the panel, this is a very common misspelling. In fact, given that letters "C" and "K" are pronounced in the same manner, especially in the word "electric", the signs could be considered as being practically identical. Such small difference must be considered insufficient to prevent or diminish confusing similarity. Furthermore, this indeed appears to be a clear case of typo-squatting. The Panel has no reason to depart from the earlier decision mentioned by the Complainant (CAC Case No. 103960). Also, in this case the disputed domain name consists of common, obvious and intentional misspelling of the Complainant's trademark and must be considered confusingly similar.

It is well established that the generic top-level suffix .COM may be disregarded when considering whether a disputed domain name is confusingly similar to a trademark in which the Complainant has rights because it is a necessary technical requirement of registration.

Therefore, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

##### 2. Lack of rights or legitimate interests

The Respondent has not filed a Response and has neither provided any other information that would oppose the Complainant's allegations. Therefore, the Panel holds the Complainant successfully presented its prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

In particular, the Respondent is not known as the disputed domain name according to Paragraph 4(c)(ii) of the Policy, nor is it affiliated with or authorised by the Complainant to use its trademark for commercial activities. In addition, the Respondent is not commonly known by the disputed domain name pursuant to Paragraph 4(c)(ii) of the Policy. Furthermore, it was demonstrated by evidence submitted by the Complainant that the disputed domain name has not been used for a bona fide offering of goods or services or a legitimate non-commercial or fair use (because it is a typo-squatted version of the Complainant's domain name and also resolves to a parking page with commercial links).

The Panel has therefore determined that the Respondent has no rights or legitimate interest in the disputed domain name.

##### 3. Registration and use of the disputed domain name in bad faith

Concerning the bad faith argument, the Complainant essentially states that: (a) the disputed domain name includes its well-known

trademark; (b) the Respondent must have had actual knowledge of the Complainant's trademark; and (c) the Respondent has attempted to attract Internet users for commercial gain to his own website by use of the Complainant's trademark.

The Panel has already found that the disputed domain name is confusingly similar to the Complainant's trademark "SCHNEIDER ELECTRIC". It is well established that the mere registration of a domain name that is confusingly similar to a trademark by an unaffiliated entity can lead to the presumption of bad faith.

In addition, the Panel believes that the Complainant submitted evidence that sufficiently demonstrates the Respondent must have been aware of the existence of the Complainant, its well-known trademark as well as its domain name. In fact, it is extremely difficult to find any good-faith reason for the registration of the disputed domain name by the Respondent.

As this is a rather clear example of typo-squatting, it is fair to conclude that the Respondent indeed registered and has been using the disputed domain name to attract Internet users for commercial gain. Actually, in the absence of any plausible explanation by the Respondent, the Panel finds this a blatant example of bad faith use of a domain name.

With that in mind, the Panel concludes that several signs of bad faith in registering and use of the disputed domain name by the Respondent can be found in this case. Therefore, the Panel finds that the disputed domain name has been registered and has been used by the Respondent in bad faith.

In conclusion, the Panel finds that all three elements required by Paragraph 4(a) of the Policy were met and makes the following decision.

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FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

**Accepted**

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

1. **schneider-elektric.com**: Transferred

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## **PANELLISTS**

Name	Vojtěch Chloupek
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DATE OF PANEL DECISION 2023-07-25

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Publish the Decision

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