

Decision for dispute CAC-UDRP-105769

Case number	CAC-UDRP-105769
Time of filing	2023-09-12 12:36:37
Domain names	siemens-healthieer.com

Case administrator

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

Organization	Siemens Trademark GmbH & Co. KG
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Respondent

Name	Silvanus Amoah
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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

International Registration No. 1357232 "SIEMENS Healthineers" (fig.) of October 25, 2016, in the name of Siemens Trademark GmbH & Co. KG, designating various territories and claiming protection for goods and services in classes 5, 9, 10, 35, 37, 42 and 44.

International registration No. 637074 "SIEMENS" of March 31, 1995 in the name of Siemens Trademark GmbH & Co. KG, covering more than 60 countries worldwide and claiming protection for goods and services in international classes 1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 20, 21, 28, 35, 36, 37, 38, 40, 41 and 42.

FACTUAL BACKGROUND

The Complainant, Siemens Trademark GmbH & Co. KG, is a trademark holding company, licensing the trademarks at issue within Siemens Group. The Complainant is a subsidiary of Siemens Aktiengesellschaft, which is the ultimate mother company of the Siemens Group. The trademarks "SIEMENS" and "SIEMENS Healthineers" of the Complainant are used in relation to medical services, equipment and solutions, as to be seen from the website screenshots provided by Complainant. Complainant represents that Siemens Healthineers, another company of the Siemens Group, is a prominent manufacturer of medical equipment worldwide, with approximately 54.000 employees.

The disputed domain name <siemens-healthieer.com> is currently not in use for a public website. However, Complainant presents evidence that that domain name has been used in furtherance of a phishing fraud scam. It appears that Respondent has taken active steps into misleading Siemens partners, requesting them to proceed to payments to – what the subject would believe to be – Siemens Medical Solutions USA, Inc. (US subsidiary of Siemens Healthcare GmbH - Siemens Healthineers), by using the e-mail addresses corresponding to Siemens employee names @siemens-healthieer.com. Complainant alleges that Siemens was informed by a business partner who was confused after the Respondent approached the partner in April 2023, informing them that Siemens Healthineers' "payment methods have changed" and requesting them to use their "revised account information" from now on, which they provided in an attached document.

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). The disputed domain name <siemens-healthieer.com> is confusingly similar to the Complainant's marks "SIEMENS" and "SIEMENS Healthineers". The domain name presents a typosquatted version of Complainant's mark, which could easily be confused. Since the addition of a generic Top-Level Domain (i.e. ".com") after a domain name is technically required, it is well established that such element may be disregarded when assessing whether a domain name is identical or confusingly similar to a mark.

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). Complainant alleges that the Respondent is not and has never been one of the Complainant's representatives, employees or one of its licensees, nor is otherwise authorized to use the trademarks "SIEMENS" or "SIEMENS Healthineers". The Complainant alleges that it does not have any connection with the Respondent, as no such relation has ever been established between the Respondent and Siemens AG, or any of its affiliates or subsidiaries. Complainant further alleges that the Respondent is not using the domain name in connection with a bona fide offering of goods or services, and has not been commonly known by this domain name. The domain name has been used in a phishing fraud scam. Respondent has not appeared in this case or otherwise refuted any allegations made by the Complainant.

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). This is a very common type of scam involving typosquatted domain names. The practice of typosquatting per se, is an unequivocal indication of the Respondent's bad faith. Moreover, Respondent is making unauthorized and illegal use of the Complainant's trademarks, aiming to mislead Respondent's targets into establishing a false association between the Complainant and the domain in question, incorporated, in this case, into an e-mail address. The Respondent has acted with the sole purpose of acquiring undue profit through fraud and theft. In this light, the Respondent's use of the domain in bad faith is blatant.

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 evidence indicates that the Respondent's choice of the disputed domain name was deliberate for its substantial similarity with the Complainant's marks and with the clear intention to benefit from the reputation and goodwill of Siemens AG and its affiliates and subsidiaries, by committing phishing fraud.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **siemens-healthieer.com**: Transferred
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PANELLISTS

Name **Mike Rodenbaugh**

DATE OF PANEL DECISION **2023-10-13**

Publish the Decision
