

## Decision for dispute CAC-UDRP-105965

Case number **CAC-UDRP-105965**

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Time of filing **2023-11-13 10:27:47**

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Domain names **sangobain.com**

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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 **saleh alanazi**

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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.

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#### IDENTIFICATION OF RIGHTS

the Complainant proved to be the owner of the following trademarks:

- 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.

the Complainant proved also to own the domain name <saint-gobain.com> registered on December 29, 1995.

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#### 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 was registered on May 21, 2023 and resolves to a parking page.

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#### PARTIES CONTENTIONS

##### COMPLAINANT:

The Complainant claims that the disputed domain names is confusingly similar to its prior trademark and domain name as the deletion of the letters "I" and "T" are not sufficient to escape the finding that the domain name is confusingly similar to the trademark SAINT-GOBAIN.

The Complainant claims that the Respondent has no rights nor legitimate interest in registering the disputed domain name. According to the Complainant assertions, there is no evidence that the Respondent is known as the disputed domain name.

The actual use (i.e. parking page) of the disputed domain name is not considered a "bona fide offering of goods or services" or a "legitimate non-commercial or fair use" for the purposes of the Policy.

As regards registration and use in bad faith, the Complainant claims that since the SAINT-GOBAIN trademark is widely known, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's rights. Moreover, the disputed domain name <sangobain.com> resolved to a parking page which given the reputation of the Complainant's trademark is a further index of use in bad faith.

##### RESPONDENT:

The Respondent did not file an administrative response.

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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

##### **1. The disputed domain name is confusingly similar to a trademark in which the Complainant has rights.**

The Complainant has successfully proved to be the owner of the trademarks SAINT-GOBAIN and of the domain name <saint-gobain.com>.

The disputed domain name is composed by "SANGOBAIN".

The Panel finds that the trademark "SAINT-GOBAIN" is fully recognizable in the disputed domain name and that the deletion of the letters "T" and "I" have no significant impact in the confusing similarity assessment. To the contrary such deletion is according to the Panel a typical case of typosquatting.

According to a consolidated case law in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in it, the confusing similarity threshold is met.

Furthermore, the addition of gTLD is generally disregarded in view of its technical function.

As a consequence, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademarks, for the purposes of the First Element of the Policy.

## **2. The Respondent lacks rights or legitimate interests in the disputed domain name.**

Pursuant to paragraph 4(a)(ii) of the Policy, a complainant is required to make out a prima facie case that a respondent lacks rights or legitimate interests in the domain name. Once such a prima facie case is made, the respondent carries the burden of demonstrating its rights or legitimate interests in the domain name. If the respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

In this case, the Panel finds that the Complainant's submitted evidence and allegations are sufficient to establish a prima facie case of Respondent's lack of rights and legitimate interests in the disputed domain name also in the view of the fact that the Respondent did not reply to the complaint.

On the basis of the information submitted by the Complainant and not contested, the Panel agrees that the Respondent is not commonly known by the disputed domain name nor the Complainant has authorized the Respondent to use and register the disputed domain name.

The Panel agrees with the Complainant that the use of the disputed domain name does not amount to a bona fide offering of goods / services nor a legitimate / fair use of a domain name since it redirects to a parking page.

For these reasons, the Panel takes the view that the Respondent lacks rights or legitimate interests in the disputed domain name for the purposes of the Policy.

## **3. The disputed domain name was registered and is used in bad faith.**

The Panel finds the following circumstances as material in order to establish the Respondent's bad faith in the registration of the disputed domain name:

- (i) the disputed domain name was registered well after the Complainant acquired rights on the trademark SAINT-GOBAIN;
- (ii) the disputed domain name is a clear and obvious misspelling of the Complainant's trademark (i.e. typo squatting). Previous panels found that typo squatting discloses an intention on the part of the respondent to confuse users seeking or expecting to find a website related to the Complainant;
- (iii) moreover, SAINT-GOBAIN is a well known trademark; thus, it is hard to see how the Respondent could use the disputed domain name in a way that it would not infringe the Complainant's trademark rights.

Furthermore, the Panel agrees that the disputed domain name is used in bad faith. As said above the disputed domain name is not actively used (parking page). However this does not prevent a finding of use in bad faith since, in the Panel's view, given the reputation of SAINT-GOBAIN it is hard to conceive any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law.

All above considered the Panel finds the evidence submitted as sufficient to prove use and registration in bad faith of the disputed domain name for the purposes of the Policy.

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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. **sangobain.com**: Transferred

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## **PANELLISTS**

Name	<b>Andrea Mascetti</b>
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DATE OF PANEL DECISION 2023-12-11

Publish the Decision

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