

Decision for dispute CAC-UDRP-105960

Case number	CAC-UDRP-105960
Time of filing	2023-11-13 09:38:06
Domain names	saimt-gobain.com, saimt-gobaln.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (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

Organization	hamid INC
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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 names.

IDENTIFICATION OF RIGHTS

Complainant is the owner of several trademark registrations for the SAINT-GOBAIN mark:

- 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.

FACTUAL BACKGROUND

Complainant is a French company specialized in the production, processing and distribution of materials for the construction and industrial markets.

The disputed domain names were registered on August 21, 2023 and are currently inactive.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

Complainant's contentions are discussed in connection with the respective elements of the Policy, below.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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). Indeed, the Panel agrees with Complainant's contention that the obvious misspelling of the Complainant's trademark SAINT-GOBAIN (i.e. the substitution of the letters "N" and "I" by the letters "M" and "L") is characteristic of a typosquatting practice intended to create confusing similarity between the Complainant's trademark and the disputed domain names.

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 names (within the meaning of paragraph 4(a)(ii) of the Policy). The Complainant contends that the Respondent has no rights or legitimate interests in respect of the domain names and he is not related in any way with the Complainant. Complainant contends that neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark SAINT-GOBAIN, or apply for registration of the disputed domain names by the Complainant. The Complainant contends that it does not carry out any activity for, nor has any business with the Respondent. Moreover, the disputed domain names are typosquatted versions of the Complainant's trademark SAINT-GOBAIN.

These allegations are sufficient to shift the burden of proof on this element of the Policy to the Respondent, who has failed to appear in response. Thus, the Panel agrees that Respondent has no right or legitimate interest in respect of the disputed domain names.

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names have been registered and are being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy). The disputed domain names were created in August 2023. The Complainant was already extensively using the trademark SAINT-GOBAIN decades before then. Given the distinctiveness of the Complainant's trademark and the typosquatted nature of the disputed domain names, it is reasonable to infer that the Respondent has registered the domain names with full knowledge of the Complainant's trademark. Indeed, the misspellings of the trademark SAINT-GOBAIN appear to have been intentionally designed to be confusingly similar with the Complainant's trademark.

The domains are inactive, and so the Telstra line of UDRP authorities requires that Complainant proves "something more" than that the disputed domain names are confusingly similar to Complainant's trademark. Complainant contends that its trademark SAINT-GOBAIN is widely known. At least one WIPO panel has found the trademark SAINT-GOBAIN is well known. See WIPO Case No. D2020-3549, *Compagnie de Saint-Gobain v. On behalf of saint-gobain-recherche.net owner, Whois Privacy Service / Grigore PODAC* ("The Panel is satisfied that the Complainant is a well-established company which operates since decades worldwide under the trademark SAINT-GOBAIN."). The Complainant contends that it is not possible to conceive of any plausible actual or contemplated active use of the typosquatted domain names by the Respondent that would be legitimate.

The disputed domains have been registered for more than three months, and Respondent does not appear to have done anything legitimate with them. Respondent fails to appear and show any potential legitimate use. The Panel agrees with Complainant's contention that there appears to be no potential legitimate use of these typosquatted domain names, by anyone other than Complainant. Further, even though the Complainant has not alleged this, the Panel finds these domain names are likely intended to be used for fraudulent and/or criminal purposes, as are many typosquatted domain names. Therefore, even on this thin record, the Panel finds the domain names were most likely registered in bad faith within the meaning of the Policy and current passive holding of the domain names combined with well-known Complainant indicates bad faith use of the disputed domain names as well.

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under the UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

There appears to be no potential legitimate use of these typosquatted domain names, by anyone other than Complainant. These domains are likely intended to be used for fraudulent and/or criminal purposes.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **saimt-gobain.com**: Transferred
2. **saimt-gobaln.com**: Transferred

PANELLISTS

Name	Mike Rodenbaugh
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DATE OF PANEL DECISION **2023-12-14**

Publish the Decision
