

Decision for dispute CAC-UDRP-105967

Case number	CAC-UDRP-105967
Time of filing	2023-11-13 10:27:37
Domain names	saint-gobaincareer.com

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

Organization	Saint Gobain Glass India Private Limited
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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

The Complainant is the owner of, inter alia, the International Registration 740183, the word mark SAINT-GOBAIN in several classes, filed and registered on July 26, 2000 and being in effect.

FACTUAL BACKGROUND

The Complainant is a French company, 350 years old, specialized in the production, processing and distribution of materials for the construction and industrial markets. Complainant's turnover is around 51.2 billion euros in 2022. The Complainant has 168,000 employees.

The disputed domain name <„saint-gobaincareer.com“*

was registered on January 8, 2023 and resolve to a parking page with commercial links to third parties, inter alia in the field of construction. The name of the registrant of the disputed domain name is the one of an Indian subsidiary of the Complainant, but the given email address is not affiliated with such subsidiary and the Registrant's address does not correspond to the address of Complainant's subsidiary.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

The Complainant contends that the disputed domain names is confusingly similar to the trademark SAINT-GOBAIN since the domain name wholly incorporates Complainant's mark. The Complainant contends that Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant contends that Respondent has no rights or legitimate interests in respect of the disputed domain name. In view of the circumstances of the case, the Complainant contends that the Respondent obviously knew the prior rights and wide use of SAINT- GOBAIN by the Complainant.

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

In order to succeed in its claim, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

- (i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) The Respondent has no rights or legitimate interests with respect to the disputed domain name; and
- (iii) The disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established the fact that it has valid trademark rights for "SAINT-GOBAIN". The disputed domain name is confusingly similar to the Complainant's mark since the addition of the non distinctive and descriptive words „career“ cannot be considered as relevant to influence the overall impression of the domain names respectively avoid a highly confusing similarity.

The Panel therefore considers the disputed domain names to be confusingly similar to the trademark „SAINT-GOBAIN“ in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Respondent has no rights or legitimate interests in the disputed domain name, since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to the Respondent to use its trademarks or designations confusingly similar to its trademarks. Furthermore, the Respondent has no rights or legitimate interests in the disputed domain name, since there is no indication that the Respondent is commonly known by the names „SAINT-GOBAIN“ or <saint-gobaincareer.com> or that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services.

The Panel therefore finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The Panel does not believe that the application of a domain name being highly similar to a distinctive trademark as the one from Complainant is accidental.

The Panel assumes that Complainant's mark is widely known, in view of the long company history and the amount of employees world wide. The further circumstances of the case, in particular the use of the same name as the Indian subsidiary of the Complainant as registrant's name shows in view of the panel that Respondent was well aware of the Complainant.

This Panel does not see any conceivable legitimate use that could be made by the Respondent of this particular domain name without the Complainant's authorization.

The circumstances of this case, in particular the commercial advertising links to third parties furthermore indicate that the Respondent registered and uses the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its potential website or other online locations, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of such website or location, or of a product or service on such website or location. The Panel therefore considers the disputed domain name to have been registered and used in bad faith in accordance with paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **saint-gobaincareer.com**: Transferred

PANELLISTS

Name	Dietrich Beier
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DATE OF PANEL DECISION	2023-12-20
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Publish the Decision
