Decision for dispute CAC-UDRP-106118

Case number	CAC-UDRP-106118
Time of filing	2023-12-28 09:20:03
Domain names	schneider-europe.com

Case administrator

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

Complainant

Organization	SCHNEIDER ELECTRIC SE

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	marc finot

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 has proved to own the following trademarks:

- The international trademark "SCHNEIDER" + logo n° 461453 registered on May 13, 1981, renewed;

- The international trademark "SCHNEIDER" + logo n° 574108 registered on July 31, 1991, renewed;

- The international trademark "SCHNEIDER ELECTRIC" + logo n° 715395 registered on March 15, 1999, renewed.

Besides, the Complainant also owns several domain names containing the SCHNEIDER denomination, such as <schneider-electric.com> registered on October 3, 1997.

This domain name is used as the Complainant’s corporate website.

The Complainant submitted the following documents to prove the following facts:

- Information regarding the Complainant
- Complainant’s trademarks registrations
- Complainant’s domain name
- Whois of the disputed domain name
- Website related to the disputed domain name

- DNS configuration of the disputed domain name
- Fraudulent investment offer
- ADC FRANCE report related to the disputed domain name

FACTUAL BACKGROUND

The Complainant is a French industrial business trading internationally. It manufactures and sells products for power management, automation and related solutions. The Complainant is the owner of several SCHNEIDER trademarks, registered worldwide.

The Respondent registered the disputed domain name <schneider-europe.com> on August 22, 2023 and resolves to an inactive page.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

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).

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

Identity (paragraph 4(a)(i) of the Policy)

The Panel finds that the domain name <schneider-europe.com> is confusingly similar to the Complainant’s SCHNEIDER trademarks.

Firstly, the Complainant’s SCHNEIDER trademark is incorporated in the disputed domain name in its entirety.

Secondly, in the Panel’s opinion, the addition of the term “Europe” does not prevent the similarity between the Complainant’s trademarks and the aforementioned domain name as they refer to a place where the Complainant deploys its activities.

Thus, the Panel finds that disputed domain name is confusing and does not provide additional specification or sufficient distinction from the Complainant or its mark.

Absence of Rights or Legitimate Interests (paragraph 4(a)(ii) of the Policy)

The Complainant asserted that the Respondent has never been granted a license, or any other way been authorized, in order to register the disputed domain name. In addition, the Respondent never sought the consent of the Complainant in order to register the aforementioned domain name. Consequently, the Panel finds that the Respondent lacks any right or legitimate interest in using the disputed domain name.

The Complainant also highlighted that the disputed domain name resolves to an inactive page. Therefore, the Panel finds that the Respondent did not intend to use the disputed domain name in connection with any legitimate purpose.

Finally, the Respondent had the opportunity to provide its arguments in support of its rights or legitimate interests in the disputed domain name. However, by failing to file a response, the Respondent has missed this opportunity and the Panel is entitled to draw such inferences from the Respondent's failure as it considers appropriate in accordance with Paragraph 14 of the Rules.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Bad faith (paragraph 4(a)(iii) of the Policy)

In the light of the records, the Complainant showed the disputed domain name is consequently similar to the well-known SCHNEIDER trademark. The Panel finds that the Respondent cannot reasonably pretend he was intending to develop a legitimate activity through the disputed domain name. Arguably, the Respondent registered said domain name knowing that the trademark benefited from a worldwide reputation. Moreover, the time of the registration, namely August 2023, is well posterior to the registration of SCHNEIDER trademarks.

Therefore, it is clear to the Panel that the Respondent was well aware of the SCHNEIDER trademarks and has registered the dispute domain name with the intention to refer to the Complainant and to its trademarks.

Furthermore, it seems that the Respondent has registered the dispute domain name in bad faith for the sole purpose to attract Internet users for commercial gain, by creating a likelihood of confusion with the Complainant’s trademarks.

Indeed, the disputed domain name was used in a false advertisement using the Complainant semifigurative trademark in a contact email address, as has been reported by the French Consumer Defense Association.

To the Panel’s opinion, this shows that the disputed domain name was registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

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

PANELLISTS

Name	**Nathalie Dreyfus**

DATE OF PANEL DECISION 2024-01-31

Publish the Decision