Decision for dispute CAC-UDRP-106179

Case number	CAC-UDRP-106179
Time of filing	2024-01-26 11:04:22
Domain names	siemens-healthirneers.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Siemens Trademark GmbH & Co. KG.

Respondent

Organization	Advanced Clinical Institute Inc.

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 owns several trademarks across various jurisdictions, including the following:

- International trademark registration No. 1357232 "**SIEMENS Healthineers**" (fig.) registered since October 25, 2016; and
- International trademark registration No. 637074 "**SIEMENS**" registered since March 31, 1995 (hereinafter collectively referred to as the "Trademark").

FACTUAL BACKGROUND

The Complainant is Siemens Trademark GmbH & Co. KG, 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 Complainant provides information on its services online inter alia at <siemens.com> and owns numerous domain names with its Trademark, such as <siemens-healthineers.com>.

The disputed domain name <siemens-healthirneers.com> was registered on November 16, 2023 and is currently not used in connection with an active website but has been linked to email addresses that have been used for phishing purposes.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant contends that the disputed domain name is confusingly similar to the Trademark.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. In

this regard, the Complainant states that the Respondent is not commonly known by the disputed domain name, that it is not affiliated with nor authorized by the Complainant in any way, that the Complainant does not carry out any activity for, nor has any business with the Respondent, and that neither license nor authorization has been granted to the Respondent to make any use of the Trademark or apply for registration of the disputed domain name by the Complainant.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. It contends that the Respondent must have been aware of the Complainant and its famous Trademark at the time of registration of the disputed domain name and that the use of the disputed domain name cannot be for any bone fide offerings. More particularly, there are present circumstances indicating that even though the disputed domain name is not used actively under a website, the Respondent has actively taken steps into trying to mislead Siemens partners, requesting them to proceed to payments by using email addresses connected to the disputed domain name and impersonating existing Siemens Healthineers employees.

RESPONDENT:

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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

(i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

1. The Panel accepts that the disputed domain name is confusingly similar to the Trademark as it incorporates it with a misspelling and that it is indeed a very typical case of typo-squatting. It is well established that in cases which involve “typosquatting”, panels have confirmed a confusing similarity between the earlier rights and the infringing domain name. Furthermore, it is also well established that the addition of a generic Top-Level Domain (i.e. “.com”) after a domain name is a technical requirement and therefore such element may be disregarded when assessing whether a domain name is identical or confusingly similar to a mark.

2. The Complainant has substantiated that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy and that the burden of proof has been reversed and would lie with the Respondent. The Respondent did not deny these assertions in any way and therefore failed to prove any rights or legitimate interests in the disputed domain name.

3.1 The Panel is satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademark as they are highly distinctive and very well-known globally.

3.2 Furthermore, the Panel accepts the Complainant's contentions that the disputed domain name has been used in bad faith, since the Respondent has actively engaged in fraudulent phishing activities by impersonating existing Siemens Healthineers employees and trying to extract financial gain from Siemens partners by requesting them to proceed to payments in an allegedly new bank account of Siemens Healthineers via email addresses that are linked to the disputed domain name.

In light of the above the Complainant has satisfied its burden under 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. **siemens-healthirneers.com**: Transferred

PANELLISTS

Name	**Stefanie Efstathiou LL.M. mult.**

DATE OF PANEL DECISION 2024-03-01

Publish the Decision