Decision for dispute CAC-UDRP-106180

Case number	CAC-UDRP-106180
Time of filing	2024-01-30 11:12:35
Domain names	scpentair.com

Case administrator

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

Complainant

Organization	Pentair Flow Services AG

Complainant representative

Organization	HSS IPM GmbH

Respondent

Name	Carolina Rodrigues

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, inter alia, proprietor of the European Community Trademark 011008414 PENTAIR (fig.), registered on 23/1/2013 in classes 6,7,9,11,42 as well as the US wordmark PENTAIR 4348967, registered on 20/04/2012 in class 11. The marks are in effect.

FACTUAL BACKGROUND

The complainant contends that the Pentair Group to which the complainant belongs was founded in 1966 and is nowadays a leader in the water industry, composed of companies around the world. From approximately 135 locations in 26 countries, the Pentair Group has more than 11,000 employees, its 2022 net sales were approximately $4.1 billion.

Several of Complainant´s products belong to a so-called SC series whereas SC is an acronym for 'split coupled,' which are used on Complainant´s website.

When entering the terms “PENTAIR” or ‘’SC PENTAIR” in the Google search engine, the returned results point to Pentair’s Group and its business activity.

The disputed domain name was registered on November 13, 2023 and resolve to a parking page with commercial links to inter alia

water filter providers.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

The Complainant contends that the disputed domain name is confusingly similar to the trademark PENTAIR, inter alia since the domain name wholly incorporates Complainant´s mark as well as the letters SC are acronyms for “split coupled“. The Complainant denies that the Respondent was authorized to sue its trademarks in the disputed domain name. Given, inter alia, the many trademarks of the Complainant in many territories for a long time before he disputed domain name was registered Complainant finally contends that the Respondent has registered and used the domain names with full knowledge of the Complainant's trademark.

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 “PENTAIR“.

The disputed domain name is confusingly similar to the PENTAIR marks of the Complainant since neither the top level domains nor the additions of the two letters „SC“ are distinctive enough to be considered as relevant to influence the overall impression of the domain name respectively avoid a confusing similarity, in particular, if the entire and distinctive trademark „PENTAIR“ is fully incorporated in the disputed domain name.

The Panel therefore considers the disputed domain name to be confusingly similar to the trademarks PENTAIR 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 name “PENTAIR” or „SCPENTAIR“ 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

In view of the size of the Complainant´s group of companies, the full incorporation of the trademark of the complainant as well as the addition of the two letters „SC“ being used by the complainant for an own series of products, the Respondent must have been aware of the Complainant and its trademarks when registering the disputed domain name. The Complainant has not authorised the Respondent to make use of a designation which is highly similar to its marks. This Panel does not see any conceivable legitimate use that could be made by the Respondent of this particular disputed domain name without the Complainant’s authorization.

The circumstances of this case, in particular the advertising links to competitors furthermore indicate that the Respondent registered and uses the disputed domain names 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. **scpentair.com** : Transferred

PANELLISTS

Name	**Dietrich Beier**

DATE OF PANEL DECISION 2024-03-11

Publish the Decision