Decision for dispute CAC-UDRP-106130

Case number	CAC-UDRP-106130
Time of filing	2024-01-10 17:39:55
Domain names	siemens-healthinears.com

Case administrator

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

Complainant

Organization	Siemens Trademark GmbH & Co. KG.

Respondent

Name	John James

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 relies on:

- International registration no. 1 357 232 dated 25 October 2016 for a logo comprising primarily the words "SIEMENS Healthineers" in classes 5, 9, 10, 35, 37 and 42
- International registration no. 637 074 dated 14 July 1995 for the word mark SIEMENS in classes 1, 3, 5, 6, 7, 8, 9, 10, 11, 12, 14, 16, 17, 20, 21, 28, 35, 36, 37, 38, 40, 41 and 42

FACTUAL BACKGROUND

The Complainant is a subsidiary of Siemens AG, the parent of the Siemens group of companies, which had a worldwide turnover of 72 billion Euro in 2022 and employ more than 300,000 people. In addition to the Complainant's registered trademarks mentioned above, the Siemens Group also owns the domain names siemens-healthineers.com and siemens-healthineer.com. The former domain name is used to promote the Siemens Group's business in medical services, equipment and solutions, which has some 54,000 employees.

The disputed domain name was registered on 15 November 2023 and is currently not in active use.

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 Panel is satisfied that the Complainant has registered rights in the marks SIEMENS and SIEMENS Healthineers. The Panel further finds that the disputed domain name is confusingly similar to both of these marks. It is almost identical to the latter mark, from which it differs only in the substitution of the letter "a" for the last letter "e", and the addition of the generic top level domain name suffix. It also includes the entirety of the former mark, which is very well-known, followed by a partially descriptive term and the generic top level domain name suffix. These differences do not suffice to avoid the likelihood of confusion.

Accordingly, 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 Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain name. It appears that the Respondent has not made any offering of goods or services under this name or any preparations to do so, let alone in good faith. Nor has he made any legitimate non-commercial or fair use of it. The Respondent is not commonly known by this name and the Complainant has confirmed that it has not authorised the Respondent to use the disputed domain name or had any commercial relationship with him.

The Complainant has, to the satisfaction of the Panel, shown that the Respondent does not have any rights or legitimate interests in respect of the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

BAD FAITH

This is a case of typosquatting of a mark of a substantial and well-known business. The Respondent must have been aware of the Complainant's marks. There can be no good faith reason for registering the disputed domain name which is nearly the same as the Complainant's mark for a significant business line. In these circumstances, the Panel infers that the disputed domain name was registered and is being used passively in 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

Dispute domain name is a typosquat of a mark of a leading global business. No bona fide use of the disputed domain name was found. No good faith reason for registering the disputed domain name; bad faith was therefore inferred.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **siemens-healthineers.com**: Transferred

PANELLISTS

Name	**Jonathan Turner**

DATE OF PANEL DECISION 2024-03-11