Decision for dispute CAC-UDRP-106246

Case number	CAC-UDRP-106246
Time of filing	2024-02-09 10:18:55
Domain names	saintsgobain.com

Case administrator

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

Complainant

Organization	COMPAGNIE DE SAINT-GOBAIN

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Mahesh Jambagi

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 several trademarks including the word SAINT-GOBAIN, such as:

- The European word trademark SAINT-GOBAIN registered on 9 March 2000 under No. 001552843 for goods and services of the classes 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 17, 19, 20, 21, 22, 23, 24, 37, 38, 40, 42;

- The international trademark SAINT-GOBAIN registered on 26 July 2000 under No. 740183 for goods and services of the classes 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 17, 19, 20, 21, 22, 23, 24, 37, 38, 40, 42.

Moreover, the Complainant is also the owner, among others, of several domain names that include the word SAINT-GOBAIN, such as the domain name <saint-gobain.com> registered on December 29, 1995.

FACTUAL BACKGROUND

Saint-Gobain is a French company specialized in the production, processing and distribution of materials for the construction and industrial markets. It develops products and services for its customers that facilitate sustainable construction. In this way, it designs innovative, high-performance solutions that improve habitat and everyday life. The Complainant asserts that for 350 years, the company has consistently demonstrated its ability to invent products that improve quality of life, and it is now one of the top

industrial groups in the world, with around 51.2 billion euros in turnover in 2022 and 168,000 employees.

The disputed domain name <saintsgobain.com> was registered on 1 February 2024. The Complainant demonstrates that the website that is operated under the disputed domain name resolves to a parking page with commercial links. In addition, the Complainant shows that MX servers are configured for the disputed domain name, which suggests that the disputed domain name may be actively used for e-mail purposes.

PARTIES CONTENTIONS

The Complainant´s contentions are summarised below.

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

1. The disputed domain name is confusingly similar to a trademark or service mark in which the Complainant has rights

According to the Complainant, the disputed domain name is confusingly similar to its well-known trademark SAINT-GOBAIN. The Complainant asserts that the addition of the letter “S” and the deletion of the hyphen to its trademark is characteristic of a typo-squatting practice intended to create a confusing similarity between the trademark and the disputed domain name.

The generic Top-Level Domain extension of the disputed domain name, in this case “.com”, is typically disregarded under the confusing similarity test, as it is a standard requirement for registration.

Therefore, the Complainant concludes, and the Panel agrees, that the disputed domain name is confusingly similar to the Complainant’s trademark.

2. The Respondent has no rights or legitimate interests in respect of the disputed domain name

The Complainant asserts that the name of the Respondent listed in the Whois database differs from the disputed domain name, which may indicate that Respondent is not commonly known by the disputed domain name.

The Complainant further states that the Respondent is not affiliated with, nor authorized or licensed by the Complainant to make any use of the Complainant’s trademark or apply for registration of the disputed domain name. In addition, the Complainant asserts that it does not carry out any activity for, nor has it any business with the Respondent.

The Complainant contends that the disputed domain name is a typo-squatted version of the trademark SAINT-GOBAIN. Typo-squatting is the practice of registering a domain name in an attempt to take advantage of Internet users' typographical errors and can be evidence that a respondent lacks rights and legitimate interests in the domain name.

The Panel finds that the Complainant has shown that the Respondent is not commonly known by the disputed domain name and has not made legitimate use of the disputed domain name for a bona fide offering of goods or services. In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

3. The disputed domain name was registered and is being used in bad faith

The Complainant refers to past panels that have held that the SAINT-GOBAIN trademark is well known (see WIPO Case No. D2020-3549, Compagnie de Saint-Gobain v. On behalf of saint-gobain-recherche.net owner (…): "The Panel is satisfied that the Complainant is a well-established company which operates since decades worldwide under the trademark SAINT-GOBAIN.").

Consequently, according to the Complainant, given the distinctiveness of the Complainant's trademarks and its worldwide reputation, it is reasonable to infer that the Respondent has registered and used the disputed domain name with full knowledge of the Complainant's trademark.

Moreover, the Complainant states the misspelling of the trademark SAINT-GOBAIN was intentionally designed to be confusingly similar with the Complainant's trademark. Past Panels have seen such actions as evidence of bad faith (see Forum Case No. FA 877979, Microsoft Corporation v. Domain Registration Philippines: "In addition, Respondent's misspelling of Complainant's MICROSOFT mark in the domain name indicates that Respondent is typosquatting, which is a further indication of bad faith registration and use pursuant to Policy ¶ 4(a)(iii).").

Furthermore, the Complainant demonstrates that the disputed domain name resolves to a parking page with commercial links. The Complainant contends the Respondent has attempted to attract Internet users for commercial gain to his own website thanks to the Complainant's trademark, which constitutes evidence of bad faith.

In lack of any Response from the Respondent, the Panel concludes that the Respondent has registered and is using the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **saintsgobain.com**: Transferred

PANELLISTS

Name	**Tom Heremans**

DATE OF PANEL DECISION 2024-03-15

Publish the Decision