Decision for dispute CAC-UDRP-106414

Case number	CAC-UDRP-106414
Time of filing	2024-04-05 09:37:42
Domain names	schneidre-electric.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	cosmas morgan

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 trademark registrations for “SCHNEIDER ELECTRIC”, including the international trademark n. 715395 “SCHNEIDER ELECTRIC” (with design), registered since 15 March 1999 for goods and services in classes 06, 09, 11, 36, 37, 39, and 42.

The Complainant also owns various domain names incorporating the term “SCHNEIDER ELECTRIC”, including the domain name <schneiderelectric.com> registered and used since 4 April 1996.

The disputed domain name <schnieder-electrics.com> was registered on 28 February 2024, i.e., the Complainant’s trademark registration cited above predates the registration of the disputed domain name.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant, which was founded in 1871, is a French industrial business trading internationally. It manufactures and offers products for power management, automation, and related solutions. The Complainant's corporate website can be found at www.schneider-electric.com.

The Complainant is featured on the NYSE Euronext and the French CAC 40 stock market index. In 2023, the Complainant revenues amounted to 36 billion Euro.

The Complainant has no business or other relationship with the Respondent. The Complainant has not granted a license (or any other authorization) to the Respondent to use the trademark “SCHNEIDER ELECTRIC”, or to apply for registration of the disputed domain name.

The Complainant contends that, given the distinctiveness and reputation of the Complainant's “SCHNEIDER ELECTRIC” brand, it is inconceivable that the Respondent could have registered the disputed domain name without actual knowledge of the Complainant's trademark rights.

The disputed domain resolves to a parking page with commercial advertising links. Furthermore, MX records (and corresponding email servers) are configured for the disputed domain name.

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

The disputed domain name is confusingly similar to the Complainant’s well-known and distinctive trademark “SCHNEIDER ELECTRIC”. Merely reversing the last two letters “e” and “r” in the word “SCHNEIDER” does not change the overall impression of the designation as being almost identical to the trademark “SCHNEIDER ELECTRIC”. It rather appears to be an evident case of typosquatting.

The Panel further finds that the Complainant successfully submitted prima facie evidence that the Respondent has neither made any use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name, nor is commonly known under the disputed domain name. This prima facie evidence was not challenged by Respondent.

The Panel further finds that the Complainant successfully submitted prima facie evidence that the Respondent has registered and used the disputed domain name in bad faith, namely by intentionally attempting to attract, for commercial gain, internet users to its parking website with commercial advertising content, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website (paragraph 4(b)(iv) of the Policy). It is implausible

that the Respondent was not aware of the Complainant's "SCHNEIDER ELECTRIC" trademark when registering the domain name and setting up the website to generate revenues from paid advertisements. Instead, it is most likely that the Respondent has registered and used the disputed domain name to benefit from any customer traffic which the disputed domain name might generate for the Respondent's website and for the advertising content displayed on it. Again, the Complainant's prima facie evidence was not challenged by the Respondent.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **schneidre-electric.com**: Transferred

PANELLISTS

Name	**Dr. Thomas Schafft**

DATE OF PANEL DECISION 2024-05-17

Publish the Decision