# Decision for dispute CAC-UDRP-106491

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| Case number | CAC-UDRP-106491 |
| Time of filing | 2024-04-29 09:57:17 |
| Domain names | schsneider-electric.com |

## Case administrator

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

## Complainant

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| Organization | SCHNEIDER ELECTRIC SE |

## Complainant representative

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| Organization | NAMESHIELD S.A.S. |

## Respondent

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| Name | COLLEEN R HORNER |

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 the trademarks including the terms “SCHNEIDER ELECTRIC”:

- The international trademark n° 715395 registered on March 15th, 1999;
- The international trademark n° 715396 registered on March 15th, 1999;
- The European trademark n° 1103803 registered on March 12th, 1999.

The Complainant is also the owner of domain name which include the trademark SCHNEIDER ELECTRIC <schneiderelectric.com> registered since April 4th, 1996.

The disputed domain name <schsneider-electric.com> was registered on April 19th, 2024.

PARTIES CONTENTIONS

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

The Complainant, founded in 1871, is a French industrial business trading internationally offering products for power management, automation, and related solutions. 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 euros.

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

The Complainant states that the disputed domain name is confusingly similar to its trademark SCHNEIDER ELECTRIC. The addition of the letter "S" in the trademark constitutes an obvious misspelling of the Complainant's trademark SCHNEIDER ELECTRIC and is characteristic of a typosquatting practice intended to create confusing similarity between the Complainant's trademark and the disputed domain name. The slight spelling variations does not prevent a domain name from being confusing similar to the Complainant's trademark.

The addition of the gTLD suffix ".COM" does not change the overall impression of the designation as being connected to the trademark SCHNEIDER ELECTRIC. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant and its trademark.

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

The Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a) (ii) of the Policy.

The Respondent is not identified in the Whois database as the disputed domain name. Past panels have held that a Respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name. Thus, the Respondent is not known as the disputed domain name.

The Respondent is not affiliated with nor authorized by the Complainant in any way. The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant does not carry out any activity for, nor has any business with the Respondent.

Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark SCHNEIDER ELECTRIC or apply for registration of the disputed domain name by the Complainant.

The disputed domain name is a typosquatted version of the trademark SCHNEIDER ELECTRIC. Typosquatting is the practice of registering a domain name in an attempt to take advantage of Internet users' typographical errors and can evidence that a respondent lacks rights and legitimate interests in the domain name.

The disputed domain name resolves to a parking page. The Respondent did not make any use of disputed domain name, and it confirms that Respondent has no demonstrable plan to use the disputed domain name. It proves a lack of legitimate interests in respect of the disputed domain name except in order to create a likelihood of confusion with the Complainant and its trademark.

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

The disputed domain name is confusingly similar to the well-known Complainant's trademark SCHNEIDER ELECTRIC (WIPO Case No. D2020-1403, Schneider Electric S.A. v. Whois Privacy Protection Foundation / Sales department).

The misspelling of the trademark SCHNEIDER ELECTRIC was intentionally designed to be confusingly similar with the Complainant's trademark. Previous UDRP Panels have seen such actions as evidence of bad faith (Forum Case No. FA 877979, Microsoft Corporation v. Domain Registration Philippines).

Given the distinctiveness of the Complainant's trademarks and reputation, it is reasonable to infer that the Respondent has registered the domain name with full knowledge of the Complainant's trademarks.

The disputed domain name resolves to a parking page. The Respondent has not demonstrated any activity in respect of the disputed domain name, and it is not possible to conceive of any plausible actual or contemplated active use of the domain name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law.

The incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use.

Although the domain name appears to be unused, it has been set up with MX records which suggests that it may be actively used for email purposes (CAC Case No. 102827, JCDECAUX SA v. Handi Hariyono).

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

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RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark 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

For the Complainant to succeed it must prove, within the meaning of paragraph 4(a) of the Policy, that:

(i) The 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 in respect of the domain name; and
(iii) The domain name has been registered and is being used in bad faith.

**I. Identical or Confusingly Similar**

The Complainant has established the fact that it has valid rights for the several trademarks SCHNEIDER ELECTRIC, inter alia the international trademark n° 715395 registered on March 15th, 1999, international trademark n° 715396 registered on March 15th, 1999 and the European trademark n° 1103803 registered on March 12th, 1999.

The disputed domain name has been registered on April 19th, 2024, i.e. almost 25 years after the SCHNEIDER ELECTRIC trademarks registrations, and wholly incorporates the Complainant's trademark SCHNEIDER ELECTRIC. The addition of the letter "S" is an obvious misspelling of the Complainant's trademark and is characteristic of a typosquatting practice intended to create confusing similarity between the Complainant's trademark and the disputed domain name. The addition of letter "S" therefore does not prevent a domain name from being confusing similar to the Complainant's trademark.

The addition of the generic top level domain ".COM" does not change the overall impression of the designation as being connected to Complainant's trademark.

The Panel therefore considers the disputed domain name to be confusingly similar to the Complainant's trademark SCHNEIDER ELECTRIC which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

**II. Rights or Legitimate Interests**

The Complainant has established a prima facie case (not challenged by the Respondent who did not file any response to the complaint) that the Respondent has no rights or legitimate interests in the disputed domain name.

The disputed domain name resolves to a parking page and this does not constitute a bona fide offering of goods and services or a legitimate noncommercial fair use. It has not been proved by the Respondent that he has rights or legitimate interests in the disputed domain name or the Respondent is related with the Complainant. Neither license nor authorization has been proven to be granted to the Respondent to make any use of the Complainant's trademark, or apply for registration of the disputed domain name.

The Panel therefore considers that the Respondent has no rights or legitimate interests in respect of the disputed domain name within the meaning of paragraph 4(a)(ii) of the Policy.

**III. Registered and Used in Bad Faith**

Given the distinctiveness of the Complainant's trademark and reputation (as confirmed in previous UDRP proceedings – WIPO case No. D2020-1403) it is evident that the Respondent had the Complainant and its trademark in mind when registering the disputed domain name. The Panel considers the misspelling of the trademark SCHNEIDER ELECTRIC (adding of the letter "S") as the evidence of bad faith registration and use.

Furthermore, the website in connection with the disputed domain name resolves to a parking page links. The incorporation of a famous trademark into a domain name, coupled with an “parking page” website, may be evidence of bad faith registration and use as well.

Moreover, there are active MX records connected to the disputed domain names and the disputes domain name is or could be used for the e-mail purposes. It is difficult to imagine that the Respondent would be able to use the disputed domain name in good faith as part of an e-mail address in this case.

The Panel therefore considers that 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.

The Panel finally considers that the Complainant has shown that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights, the Respondent has no rights or legitimate interests in respect of the disputed domain name and the disputed domain name has been registered and is being used in bad faith. The Complainant has thus established all three elements of paragraph 4(a) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

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

## PANELLISTS

| Name | **Petr Hostaš** |
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DATE OF PANEL DECISION 2024-05-27

Publish the Decision