Decision for dispute CAC-UDRP-106495

Case number	CAC-UDRP-106495
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Domain names	schueider-electric.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	SCHNEIDER ELECTRIC SE

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	schueider-electric

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 has proved to own the following trademarks:

The international trademark "SCHNEIDER ELECTRIC" n° 715396 dated March 15th 1999, renewed;

The international trademark "SCHNEIDER ELECTRIC" n° 715395 dated March 15th 1999, renewed.

The European Union trademark "SCHNEIDER ELECTRIC" n° 1103803 dated March 12th 1999, renewed;

Besides, the Complainant also owns several domain names containing the SCHNEIDER denomination, such as <schneiderelectric.com> registered on April 4, 1996.

The Complainant submitted the following documents to prove the abovementioned facts:

- Information regarding the Complainant
- Complainant's trademarks registrations
- Complainant's domain name
- Whois of the disputed domain name
- Website related to the disputed domain name
- DNS configuration of the disputed domain name
- Google search regarding « schueider-electric »

FACTUAL BACKGROUND

The Complainant is a French industrial business trading internationally. It manufactures and sells products for power management, automation and related solutions. The Complainant is the owner of several SCHNEIDER trademarks, registered worldwide.

The Respondent registered the disputed domain name <schueider-electric.com> on March 25, 2024 which resolves to a parking page. MX servers are also configured.

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

Identity (paragraph 4(a)(i) of the Policy)

The Panel finds that the domain name <schueider-electric.com> is confusingly similar to the Complainant’s trademarks.

Firstly, the Complainant’s trademarks are incorporated in the disputed domain name and in its entirety.

Secondly, in the Panel’s opinion, the substitution of the letter “n” for a “u” does not prevent the similarity between the Complainant’s trademarks and the aforementioned disputed domain name (WIPO Case No. No. D2016-1193, Sanofi, Genzyme Corporation v. Domain Privacy).

Moreover, the Panel has come to the conclusion that the hyphenation is insufficient to distinguish the Respondent’s disputed domain name from the Complainant’s trademark.

Thus, the Panel finds that disputed domain name is confusing and does not provide additional specification or sufficient distinction from the Complainant or its trademarks.

Absence of Rights or Legitimate Interests (paragraph 4(a)(ii) of the Policy)

The Complainant asserted that the Respondent has never been granted a license, or any other way been authorized, in order to register the disputed domain name. In addition, Complainant does not carry out any activity for nor has any business with the Respondent. Consequently, the Panel finds that the Respondent lacks any right or legitimate interest in using the disputed domain name.

The Panel also finds that the substitution of the letter “n” for a “u” makes the disputed domain name a typosquatted version of the trademark SCHNEIDER ELECTRIC. As shown by previous panels, typosquatting does not constitute a legitimate use of a trademark and domain name.

The disputed domain name resolves to a parking page, and Complainant contends that Respondent has no demonstrable plan to use the disputed domain name. The Panel finds that there is not any bona fide offering of goods or services associated with the disputed domain name by the Respondent. Therefore, the Respondent did not intend to use the disputed domain name in connection with any legitimate purpose.

Finally, the Respondent had the opportunity to provide its arguments in support of its rights or legitimate interests in the disputed domain name. However, by failing to file a response, the Respondent has missed this opportunity and the Panel is entitled to draw such inferences from the Respondent's failure as it considers appropriate in accordance with Paragraph 14 of the Rules.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Bad faith (paragraph 4(a)(iii) of the Policy)

In the light of the records, the Complainant showed the disputed domain name is consequently similar to the well-known SCHNEIDER trademark. The Panel finds that the Respondent cannot reasonably pretend he was intending to develop a legitimate activity through the disputed domain name, and the misspelling of the trademark SCHNEIDER ELECTRIC was intentionally designed to be confusingly similar with the Complainant’s trademark. Arguably, the Respondent registered said domain name knowing that the trademark benefited from a worldwide reputation. Moreover, the time of the registration, namely March 2024, is well posterior to the registration of SCHNEIDER trademarks.

Therefore, it is clear to the Panel that the Respondent was well aware of the SCHNEIDER trademarks and has registered the dispute domain name with the intention to refer to the Complainant and to its trademarks.

Furthermore, it seems that the Respondent is using the dispute domain name in bad faith for the sole purpose to attract Internet users for commercial gain, by creating a likelihood of confusion with the Complainant’s trademarks. Indeed, the disputed domain name, likely actively used for email purposes as evidenced by the MX Records, resolves to a parking page displaying a button “get started” to grow a business online, and which is likely to create revenue.

Therefore, Panel finds that the use of the disputed domain name incorporating a well-known trademark to divert Internet users and to direct them to a webpage providing revenues through click is evidence of bad faith under the Policy (WIPO Case No. D2007-0956, F Hoffmann-La Roche AG v. Anna Valdieri).

To the Panel’s opinion, this shows that the disputed domain name was registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

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

PANELLISTS

Name	**Nathalie Dreyfus**

DATE OF PANEL DECISION 2024-06-04

Publish the Decision