Decision for dispute CAC-UDRP-106486

Case number	CAC-UDRP-106486
Time of filing	2024-04-26 10:46:45
Domain names	schneiderelectricinfrastructurelimited.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	SCHNEIDER ELECTRIC SE

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	suresh willsonraj

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 evidenced to be the registered owner of the following trademarks relating to its company name and brand SCHNEIDER ELECTRIC:

- word/device mark SCHNEIDER ELECTRIC, International Registration (WIPO), registration No.: 715395, registration date: March 15, 1999, status: active;

- word/device mark SCHNEIDER ELECTRIC, European Union Registration (EUIPO), registration No.: 001103803, registration date: March 12, 2999, status: active.

Moreover, the Complainant has demonstrated to own since 1996 the domain name <schneiderelectric.com>, which resolves to the Complainant's main website at "www.schneiderelectric.com", used to promote the Complainant's products and related services in the power management industry.

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

First, the Panel finds that the disputed domain name is confusingly similar to the SCHNEIDER ELECTRIC trademark in which the Complainant has rights. The disputed domain name incorporates the SCHNEIDER ELECTRIC trademark entirely, simply added by the terms “infrastructure limited”. Numerous UDRP panels have recognized that incorporating a trademark in its entirety can be sufficient to establish that the disputed domain name is at least confusingly similar to a registered trademark. Moreover, it has also been held in many UDRP decisions and has meanwhile become a consensus view among UDRP panels that the mere addition of descriptive or other terms, such as e.g. the terms “infrastructure limited”, is not capable to dispel the confusing similarity arising from such entire incorporation of the Complainant’s SCHNEIDER ELECTRIC trademark in the disputed domain name, especially when taking into account that those added terms directly refer to the Complainant’s Indian subsidiary “Schneider Electric Infrastructure Limited”.

Therefore, the Complainant has established the first element under the Policy as set forth by paragraph 4(a)(i).

Second, the Complainant contends, and the Respondent has not objected to these contentions, that the Respondent has neither made use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor is the Respondent making a legitimate noncommercial or fair use of the disputed domain name, nor is the Respondent commonly known thereunder. The Respondent has not been authorized to use Complainant’s SCHNEIDER ELECTRIC trademark, either as a domain name or in any other way. Also, there is no reason to believe that the Respondent’s name somehow corresponds with the disputed domain name and the Respondent does not appear to have any trademark rights associated with e.g. the terms “Schneider Electric” whatsoever. In addition, the Complainant has provided evidence that at some point before the filing of this Complaint the disputed domain name redirected to a standard Pay-Per-Click (PPC) website with hyperlinks to a variety of third parties’ websites, which are presumably of commercial nature, and some of which directly refer to the Complainant’s business in the sustainability sector. UDRP panels have found that the generation of PPC revenues by using a domain name that is confusingly similar to a trademark and by providing links that compete with or capitalize on the reputation and goodwill of the complainant’s trademark neither qualifies as a bona fide offering of goods or services nor as a legitimate noncommercial or fair use under the UDRP. Accordingly, the Panel has no difficulty in finding that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Therefore, the Complainant has also satisfied paragraph 4(a)(ii) and, thus, the second element of the Policy.

Third, the Panel finally holds that the disputed domain name was registered and is being used by the Respondent in bad faith. The circumstances to this case leave no room for doubt that the Respondent was well aware of the Complainant’s SCHNEIDER ELECTRIC trademark when registering the disputed domain name and that the latter aims at targeting such trademark. Therefore, redirecting the disputed domain name which is confusingly similar to the Complainant’s SCHNEIDER ELECTRIC trademark (and even identical to the company name of the Complainant’s Indian subsidiary) to a typical PPC website which shows a variety of hyperlinks

to active third parties' websites (some of which directly refer to the Complainant's business in the sustainability sector) for the obvious purpose of generating PPC revenues, is a clear indication that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with the Complainant's SCHNEIDER ELECTRIC trademark as to the source, sponsorship, affiliation or endorsement of this website. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy. Moreover, activating MX servers under the disputed domain name, which is confusingly similar to the Complainant's undisputedly well-known SCHNEIDER ELECTRIC trademark (and even identical to the company name of the Complainant's Indian subsidiary), at least allows the assumption that the Respondent intends to make use at some point of the disputed domain name in connection with unauthorized email services which, in turn, are inconceivable of being of a good faith nature. Accordingly, such circumstances are further evidence of registration and use of the disputed domain name in bad faith within the larger meaning of paragraph 4(b)(iv) of the Policy.

Therefore, the Complainant has also satisfied the third element under the Policy as set forth by paragraph 4(a)(iii).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **schneiderelectricinfrastructurelimited.com**: Transferred

PANELLISTS

Name	**Stephanie Hartung**

DATE OF PANEL DECISION 2024-06-04

Publish the Decision