Decision for dispute CAC-UDRP-106689

Case number	CAC-UDRP-106689
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Domain names	saint-globain.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	COMPAGNIE DE SAINT-GOBAIN

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	Data Services

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:

European Registered trademark SAINT-GOBAIN n°001552843;

Registration date: March 9,2000, renewed;

International Registered trademark SAINT-GOBAIN n°740184;

Registration date: July 26, 2000, renewed;

International Registered trademark SAINT-GOBAIN n°740183;

Registration date: July 26, 2000, renewed;

International Registered trademark SAINT-GOBAIN n°596735;

Registration date: November 2, 1992, renewed;

International Registered trademark SAINT-GOBAIN n°551682;

Registration date: July 21, 1989, renewed;

Besides, the Complainant also owns the following domain name containing the SAINT-GOBAIN denomination: <saint-gobain.com> registered on December 29, 1995.

FACTUAL BACKGROUND

The Complainant is a French company specialized in the production, processing and distribution of materials for the construction and industrial markets. Saint-Gobain is a worldwide reference in sustainable habitat and construction markets. The Complainant is one of the top industrial groups in the world and is the owner of several SAINT-GOBAIN trademarks, registered worldwide.

The Respondent registered the disputed domain name <saint-globain.com> on July 2nd, 2024 and resolves to a parking page with commercial links.

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

- Information regarding the Complainant;
- Copies of Complainant's trademarks registrations;
- Complainant's domain name;
- Whois of the disputed domain name;
- Website in relation with the domain name.

PARTIES CONTENTIONS

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 <saint-globain.com> is confusingly similar to the Complainant's SAINT-GOBAIN trademarks.

The Complainant's SAINT-GOBAIN trademark is incorporated in the disputed domain name in its entirety, with the mere addition of the letter "l" between the letter "g" and the letter "o", which does not prevent any likelihood of confusion. On the contrary, the adding of the letter "l" constitutes typo squatting aimed at misleading consumers.

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

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, the Respondent never sought the consent of the Complainant in order to register the aforementioned domain name. Consequently, the Panel finds that the Respondent lacks any right or legitimate interest in using the disputed domain name.

The Complainant also highlighted that the disputed domain name resolves to a parking page with commercial links. Therefore, the Panel finds that this purpose of offering sponsored links does not qualify as a bona fide use. The Respondent did not intend to use the disputed domain name in connection with any legitimate purpose.

Moreover, the disputed domain name is a typosquatted version of the registered trademark SAINT-GOBAIN. The Panel is in the opinion that this misspelling provides further evidence of a respondent's lack of rights and legitimate interests in a disputed domain name.

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 SAINT-GOBAIN trademark. The Panel finds that the Respondent cannot reasonably pretend he was intending to develop a legitimate activity through the disputed domain name. Arguably, the Respondent registered said domain name knowing that the trademark benefited from a worldwide reputation. Moreover, the time of the registration, namely July 2024, is well posterior to the registration of SAINT-GOBAIN trademarks.

Additionally, the misspelling of the registered trademark SAINT-GOBAIN is intentionally designed to be confusingly similar with the Complainant's trademark.

Therefore, it is clear to the Panel that the Respondent was well aware of the SAINT-GOBAIN 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 has registered 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. In fact, the disputed domain name resolves to a parking page with commercial links. Accordingly, the Panel finds 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. **saint-globain.com**: Transferred

PANELLISTS

Name	**Nathalie Dreyfus**

DATE OF PANEL DECISION 2024-08-16

Publish the Decision