Decision for dispute CAC-UDRP-106844

Case number	CAC-UDRP-106844
Time of filing	2024-09-11 12:28:05
Domain names	schneiderelectrics.info

Case administrator

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

Complainant

Organization	SCHNEIDER ELECTRIC SE

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Viktor Ostergren

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 trademarks for SCHNEIDER ELECTRIC. As such:

International trademark for SCHNEIDER ELECTRIC with registration number 715395 and registered on March 15, 1999;

International trademark for SCHNEIDER S ELECTRIC with registration number 715396 and registered on March 15, 1999.

European Union Intellectual Property Office for SCHNEIDER ELECTRIC with registration number 1103803 and registered on September 9, 2005.

FACTUAL BACKGROUND

The Complainant is a French corporation set up back in 1871 and is featured in the NYSE Euronext and the French CAC 40 stock market index. The Complainant manufactures and offers products for power management, automation, and related solutions in different countries worldwide.
Complainant´s SCHENEIDER ELECTRIC trademark is to be considered well-known for UDRP purposes.
The Complainant owns <schneiderelectric.com>, registered since April 4 ,1996.

The disputed domain name <schneiderelectrics.info> was registered on August 30, 2024 and redirected to the Complainant's official website. Currently the disputed domain name is inactive.

PARTIES CONTENTIONS

THE COMPLAINANT

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

In particular, the addition of the letter "s" to SCHNEIDER ELECTRIC trademark is equivalent to an obvious misspelling and is to be considered a typosquatting practice intended to create confusing similarity between the Complainant's trademark and the disputed domain name.

The Complainant also contends that none of the circumstances depicted in paragraph 4(c) of the Policy applies in this case. Indeed, says the Complainant, Respondent´s typosquatting practice strengthen such findings of lack of interests or rights.

The Complainant also alleges that by redirecting the disputed domain to its official website the Complainant has no control, and such use is not consistent with the Policy.

The Complainant lastly notes that MX servers are configured and this suggests that the disputed domain name may be actively used for e-mail purposes.

THE RESPONDENT

No administratively Response has been filed. However, the Respondent accessed the Centre´s online platform on 11 September 2024 and on the same day the Centre received an e-mail response from the Respondent.

The Respondent alleges to have registered the disputed domain name in full compliance with applicable domain protocols. Further, contends the Respondent, the Complainant did not manage its intellectual property or branding assets adequately.

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

1. Identical or Confusingly Similar

The Complainant has shown trademark rights in respect SCHENEIDER ELECTRIC. The mere addition of the letter "s" in the disputed domain name does not provide distinctiveness and such circumstance falls, in the Panel´s view, in what is deemed to be a

typosquatting. The Panel finds the mark is recognizable within the disputed domain name.
The applicable Top Level Domain ('TLD') in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element test.
The Panel finds the first element of the Policy has been established.

2. Rights or Legitimate Interest

Paragraph 4(c) of the Policy sets out non-exclusive examples in which the Respondent may establish rights or legitimate interests in the disputed domain name. However, while the burden of proof in UDRP proceedings rests on the complainant, panels have recognized that proving a respondent lack or rights or legitimate interests in a domain name may result in the often-impossible task of "proving a negative". Accordingly, panels have established, since the inception of the UDRP, that it is sufficient to raise a prima facie case against the respondent and then the evidential burden of production shifts to the respondent. See CAC-UDRP-106452.

The Panel finds that the circumstances referred in paragraph 4(c) do not apply for the Respondent. Besides, the Panel accepts Complainants allegation that the typosquatting practice as determined in the previous element of the test supports a finding of lack of rights or legitimate interest.

Furthermore, the Panel finds no basis for the Respondent´s assertion that the Complainant did not manage its intellectual property or branding assets adequately. Indeed, such allegation implies that the Respondent had previous knowledge of the Complainant and by registering the disputed domain name the Respondent targeted and impersonated the Complainant and its trademarks. However, this is not legal and cannot provide any right or legitimate interest.

The Panel finds the second element of the Policy has been established.

3. Registered and Used in bad faith.

Noting that bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark, the Panel now looks at the third requirement of the test.

By registering the disputed domain name that reproduces Complainant's well-known trademark, the Respondent targeted the Complainant. Furthermore, the informal response of the Respondent implies knowledge of the Complainant and its trademarks. Accordingly, the Panel determines that the Respondent knew or should have known about the Complainant and its trademarks when registering the disputed domain name.

Insofar the use of the disputed domain name appears to have ceased but it is in the hands of the Respondent, there is an abusive threat remaining over the Complainant and, the passive holding of the website does not prevent a finding of bad faith.

Finally, the Panel notes the nature of the domain name and the distinctiveness of the Complainant´s trademark. Upon such circumstances the Panel finds that the Respondent did try to impersonate the Complainant. Such attempt tantamounts of a use of a domain name for an illegal activity, that is to say, impersonation/passing off which constitutes bad faith.

The Panel finds that the Complainant has established the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **schneiderelectrics.info**: Transferred

PANELLISTS

Name	**Manuel Moreno-Torres**

DATE OF PANEL DECISION 2024-10-11

Publish the Decision