Decision for dispute CAC-UDRP-106964

Case number	CAC-UDRP-106964
Time of filing	2024-10-21 08:32:15
Domain names	schneiedrelectric.com

Case administrator

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

Complainant

Organization	SCHNEIDER ELECTRIC SE

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Kay Cp

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, among others, the following trademark registrations:

- International trademark “SCHNEIDER ELECTRIC” No. 715395 registered on 15 March 1999, registered for classes 6, 9, 11, 36, 37, 39, 42;
- International trademark “SCHNEIDER S ELECTRIC” No. 715396 registered on 15 March 1999, registered for classes 6, 9, 11, 36, 37, 39, 42;
- EUTM “SCHNEIDER ELECTRIC” No. 1103803 registered on 12 March 1999, registered for classes 6, 9, 11, 36, 37, 39, 42.

FACTUAL BACKGROUND

The Complainant is a French industrial business group manufacturing and offering products for power management, automation, and related solutions.

The Complainant owns several trademarks worldwide for “SCHNEIDER ELECTRIC” and also owns - among others - the domain name <schneiderelectric.com> since 4 April 1996.

The disputed domain name <schneiedrelectric.com> was registered on October 10, 2024 and it currently resolves to a parking page with commercial links and MX servers configured.

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 UDRP).

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 UDRP).

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 UDRP).

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. CONFUSING SIMILARITY

The Panel finds that the disputed domain name is confusingly similar to the Complainant’s trademarks.

Indeed, the Complainant has established its ownership on several trademark registrations covering many jurisdictions, registered well before the disputed domain name.

The disputed domain name <schneiedrelectric.com> fully includes the Complainant’s trademark in its entirety, with the only difference of the inversion of letters “D” and “E”, a circumstance obviously leading to a typosquatting practice intended to create confusing similarity.

Consistent ADR.EU case-law confirmed that misspelling of a trademark would not prevent a finding of confusing similarity and, therefore, the disputed domain name should be considered confusingly similar to the relevant trademarks above cited.

As a result, the Panel finds that the Complainant has satisfied Paragraph 4(a)(i) of the UDRP.

2. THE RESPONDENT´S LACK OF RIGHTS OR LEGITIMATE INTERESTS IN THE DISPUTED DOMAIN NAME

The Panel finds that the Respondent lacks rights or legitimate interests in the disputed domain name.

According to Paragraph 4(a)(ii) of the UDRP, the Complainant shall make a case that the Respondent lacks rights and legitimate interests in the disputed domain name. If the Complainant fulfills this demand the burden of proof shifts to the Respondent and so the Respondent shall demonstrate rights or legitimate interests in the disputed domain name. If the Respondent fails to prove its rights or legitimate interests, it is assumed that the Complainant satisfied the element of Paragraph 4(a)(ii) of the UDRP (see CAC Case No. 102430, Lesaffre et Compagnie v. Tims Dozman).

In the present case, the Complainant asserts that the Respondent is not identified in the Whois database as the disputed domain name, nor that license nor authorization has been granted to the Respondent to make any use of the Complainant’s trademark or

apply for registration of the disputed domain name by the Complainant.

The Complainant adds that the disputed domain name resolves to a parking page with commercial links.

The Respondent did not reply to the Complaint and so failed to demonstrate his rights or legitimate interests in the disputed domain name.

Under such circumstances, the Panel cannot find any legitimate, non-commercial or fair use rights or interests of the Respondent in the disputed domain name. Therefore, the Panel finds that the Complainant has satisfied the requirement under Paragraph 4(a)(ii) of the UDRP.

3. THE REGISTRATION AND USE OF THE DISPUTED DOMAIN NAME IN BAD FAITH

The Panel finds that the Respondent registered and used the disputed domain name in bad faith.

As a matter of fact, WIPO Overview 3.0 in Paragraph 3.1.4 states that “Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith.”

Again, the Complainant has established that owns numerous national/international trademark registrations for “SCHNEIDER ELECTRIC”, which should also be considered well-known given its popularity.

Considering that - as of this day - the disputed domain name is leading Internet users to a parking website providing commercial links to other websites, it is quite clear the Respondent's intent to attract and confuse Internet users for its own commercial gain.

Moreover, the disputed domain name has been set up with MX records (evidenced by the DNS query). Such a finding leads to the conclusion that the disputed domain name might be actively used for e-mail purposes. This Panel assumes that such use of the disputed domain name cannot be understood as a good faith use of the disputed domain name.

The Respondent did not reply to the Complaint and so failed to demonstrate his rights or legitimate interests in the disputed domain name.

Consequently, it might be concluded that the Respondent is not using the disputed domain name in good faith.

The Panel finds that the Complainant has satisfied conditions pursuant to Paragraph 4(a)(iii) of the UDRP.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **schneiedrelectric.com**: Transferred

PANELLISTS

Name	**Tommaso La Scala**

DATE OF PANEL DECISION 2024-11-26

Publish the Decision