Decision for dispute CAC-UDRP-107101

Case number	CAC-UDRP-107101
Time of filing	2024-11-27 09:46:16
Domain names	saintgobains.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	COMPAGNIE DE SAINT-GOBAIN

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	company

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 is the owner of several trademarks SAINT-GOBAIN, registered worldwide, such as:

- International trademark SAINT-GOBAIN n°740184 registered on July 26, 2000;
- International trademark SAINT-GOBAIN n°740183 registered on July 26, 2000;
- International trademark SAINT-GOBAIN n°596735 registered on November 2, 1992;
- International trademark SAINT-GOBAIN n°551682 registered on July 21, 1989;
- Indian trademark SAINT-GOBAIN n°921541 registered since April 28, 2000.

FACTUAL BACKGROUND

The disputed domain name <saintgobains.com> was registered on November 20, 2024. It has been used to resolve to a parking page with commercial links, and currently resolves to a page branded SAINT GOBAIN with the tagline "Building a Sustainable Future Together", and soliciting email address "subscriptions... for updates." And indeed, MX servers are configured as shown in DNS query records.

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). The addition of the letter “S” to the trademark SAINT-GOBAIN is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark and branded goods SAINT-GOBAIN. This is a clear case of typosquatting, i.e. the disputed domain name contains an obvious misspelling of the Complainant’s trademark.

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). The Complainant asserts that the Respondent is not identified in the Whois as the disputed domain name. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name and he is not related in any way with the Complainant. The Complainant states that it does not carry out any activity for, nor has any business with the Respondent. Moreover, the disputed domain name is a typosquatted version of the trademark SAINT-GOBAIN. Typosquatting is the practice of registering a domain name in an attempt to take advantage of Internet users’ typographical errors and is evidence that a respondent lacks rights and legitimate interests in the domain name. The Respondent appears to be using the typosquatted disputed domain name to drive traffic to its website, where it solicits email addresses at a page prominently branded SAINT-GOBAIN. I the absence of any response from the Respondent, the Panel finds that Complainant has met its burden to prove that Respondent has no rights or legitimate interests in respect of the disputed domain name.

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). The disputed domain name is confusingly similar to the Complainant's well-known trademark SAINT-GOBAIN. The misspelling of the trademark SAINT-GOBAIN appears intentionally designed to be confusingly similar with the Complainant’s trademark. The Respondent has attempted to attract Internet users for commercial gain to its own website for its own commercial gain, which is evidence of bad faith. Moreover, the disputed domain name has been set up with MX records and is actively soliciting email addresses from internet users who arrive at the Respondent's web page, prominently branded with the Complainant's mark. This is also indicative of bad faith registration.

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

The Panel found that all three elements of the Policy have been satisfied and the conditions for the transfer of the disputed domain name to the Complainant have been met.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **saintgobains.com**: Transferred

PANELLISTS

Name	**Mike Rodenbaugh**

DATE OF PANEL DECISION 2024-12-19

Publish the Decision