Decision for dispute CAC-UDRP-107174

Case number	CAC-UDRP-107174
Time of filing	2024-12-22 23:20:35
Domain names	siemens-healthineers-reward.com

Case administrator

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

Complainant

Organization	Siemens Trademark GmbH & Co. KG

Respondent

Name	Lei Shi

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 various trademark registrations for “SIEMENS”, and “SIEMENS HEALTHINEERS”, including the following:

- International trademark registration No. 1357232 for “SIEMENS HEALTHINEERS” and device, registered on 25 October 2016; and

- International trademark registration No. 637074 for SIEMENS, registered on 31 March 1995.

The Complainant owns and operates various domain names, including:

- <siemens-healthineers.com>, registered on 15 March 2016; and
- <siemens-healthineer.com>, registered on 15 March 2016.

The disputed domain name was registered on 14 February 2024, and at the time of filing the Complaint, resolved to parked webpage displaying Pay Per Click (“PPC”) links.

The Respondent is Lei Shi of Lin Ping Qu Nan Yuan Jie Dao Kang Cheng Guo Ji, Hang Zhou Shi, Zhe Jiang, 311115, China.

FACTUAL BACKGROUND

The Complainant is a trademark holding company for the Siemens Group, and is a subsidiary of Siemens Aktiengesellschaft, the ultimate parent company of the Siemens Group. Founded over 175 years ago, and headquartered in Berlin and Munich, the Siemens Group is one of the world’s largest corporations, providing innovative technologies in the fields of medicine, automation and control, power, transportation, logistics, information and communications, and many others to customers in 190 countries. Today, it employs over 320000 people world wide, and had a turnover of 77 billion Euros in 2023.

Siemens Healthineers, a company within the Siemens Group, is one of the largest manufacturers of medical equipment worldwide,

and employs around 54000 employees.

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 language of the registration agreement is Chinese.

The Complainant has requested that the language of proceedings was English.

Having considered all circumstances of the case, the Panel has decided that it would be fair and equitable to all parties to have the language of the proceedings be English as:

The Respondent did not submit a Response and did not object to the change of language;

English is a widespread language around the world and is a global means of communication;

The disputed domain name is in Latin characters and contains the English word “rewards”, which indicates that the Respondent is familiar with the English language and is comfortable in using it;

The Complainant is a German entity which will require translation services, which would cause significant expenses and delays. This would be unfair to the Complainant, as these fees are not recoverable, and would also cause unnecessary cost, and delay the proceedings without due cause.

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

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a complainant to show that a domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.

The Complainant has provided evidence that it owns registered trademark rights in the SIEMENS and SIEMENS HEALTHINEERS marks.

In this case, the disputed domain name consists of the textual portion of the Complainant's SIEMENS HEALTHINEERS trademark in its entirety with the addition of a hyphen between "SIEMENS" and "HEALTIHINEERS", and the suffix "-reward". The addition of the hyphen is an immaterial addition, and the addition of the suffix "-reward" is insufficient to distinguishthe disputed domain name from the Complainant's trademark. Thus, the disputed domain name, which in this case incorporates the Complainant's mark in its entirety is confusingly similar to the Complainant's mark.

As for the generic Top-Level

The Panel also notes the Respondent's pattern of cybersquatting conduct, having been the subject of numerous past panel decisions, and draws adverse inferences accordingly.

Domain ("gTLD") ".com", it is well established that the gTLD is not relevant to the issue of identity or confusing similarity between the Complainant's trademark and the domain name in dispute (see WIPO Overview 3.0, section 1.11.1).

Consequently, the Panel finds that the Complainant has shown that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

Once the complainant establishes a prima facie case that the respondent lacks rights or legitimate interests in the domain name, the burden of production shifts to the respondent to show that it has rights or legitimate interests in respect to the domain name (see WIPO Overview 3.0, section 2.1).

In the present case, the Complainant has demonstrated a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name and the Respondent has failed to assert any such rights or legitimate interests.

The Complainant has provided evidence that it has been the registered owner of the SIEMENS and SIEMENS HEALTHINEERS marks long before the date that the disputed domain name was registered and that it has not authorised the Respondent to use the Complainant's trademark. There is no evidence that the Respondent is commonly known by the disputed domain name.

The disputed domain name resolves to a parked webpage displaying PPC links, some of which advertise products which compete with the offerings of the Siemens Group. Such use cannot be considered to be a legitimate use of the disputed domain name.

The Respondent did not submit a Response and did not provide any explanation for its choice of the disputed domain name nor evidence to show rights or legitimate interests in the disputed domain name which would be sufficient to rebut the Complainant's prima facie case.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The Complainant must also show that the respondent registered and is using the disputed domain name in bad faith (see Policy, paragraph 4(a)(iii)). Paragraph 4(b) of the Policy provides circumstances that may evidence bad faith under paragraph 4(a)(iii) of the Policy.

The Complainant's trademark was registered long before the registration of the disputed domain name. The disputed domain name incorporates the entirety of the textual portion of the Complainant's SIEMENS HEALTHINEERS marks mark with the addition of a hyphen and the suffix "-reward". The disputed domain name also resolves to a parked webpage displaying PPC links, some of which advertise products such as "Catetere Vescicale Donna" ("female bladder catheter" in Italian) which compete with the offerings of the Siemens Group. The disputed domain name likely was intended to divert Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's trademarks. This use of the disputed domain name is further evidence of bad faith of the Respondent.

Given the particular circumstances of this case, the distinctive nature of the Complainant's trademark, the degree of the Complainant's reputation, and the implausibility of any good faith use to which the domain name may be put, the Panel is persuaded by the evidence that the Respondent registered and was using the disputed domain name in bad faith with the aim of specifically targeting the Complainant.

The Panel notes that the Respondent failed to submit a response and provided no explanation nor evidence to rebut the Complainant's case. This is an indication of bad faith.

The Panel also notes the Respondent's pattern of cybersquatting conduct, having been the subject of numerous past panel decisions, and draws adverse inferences accordingly.

Accordingly, having regard to the circumstances of this case, the Panel finds that the Complainant has met its burden under paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **siemens-healthineers-reward.com**: Transferred

PANELLISTS

Name	**Jonathan Agmon**

DATE OF PANEL DECISION 2025-02-10

Publish the Decision