Decision for dispute CAC-UDRP-107276

Case number	CAC-UDRP-107276
Time of filing	2025-01-29 09:20:14
Domain names	sainrt-gobain.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	COMPAGNIE DE SAINT-GOBAIN

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Jennifer Smith

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 a portfolio of trademarks for SAINT-GOBAIN in several jurisdictions. As such, and by way of example, international trademark for SAINT-GOBAIN with registration number n°551682, registered on July 21, 1989 or, international trademark for SAINT-GOBAIN with registration number 596735 and registered on November 2, 1992.

FACTUAL BACKGROUND

The Complainant is a French Corporation specialized in the production, processing, and distribution of materials for the construction and industrial markets. With approximately 47.9 billion euros in turnover in 2023 and 160,000 employees

SAINT-GOBAIN trademark is to be considered as well-known for UDRP purposes.

The Complainant also owns a package of domain names including its trademark SAINT-GOBAIN, as such <saint-gobain.com> registered on December 29, 1995.

The disputed domain name was registered on January 23, 2025 and 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 Complainant contends that the disputed domain name is confusingly similar to its well-known and distinctive trademark SAINT-GOBAIN. By adding a letter to the mark, in this case “r”, the Complainant points out that it constitutes a practice of typosquatting. Indeed, such practice is to be deemed as non-legitimate for UDRP purposes.

The Complainant also contends that the Respondent has not been authorized or licensed to use its marks or to apply for a domain name using them. Further, there is no evidence that the Respondent is commonly known by the disputed domain name.

Furthermore, Respondent´s lack of use of the disputed domain name confirms that the Respondent has no demonstrable plan to use the disputed domain name.

THE RESPONDENT

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

1. Identical or Confusingly Similar

The Complainant has shown rights in respect of SAINT-GOBAIN trademark for the purposes of the Policy. From a comparison between the disputed domain name <sainrt-gobain.com> and Complainant´s trademark SAINT-GOBAIN it seems clear to the Panel that the former contains sufficiently recognizable aspects of the relevant mark.

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.

1. 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 or, even any other legitimate circumstance which may apply in favor of the Respondent. Indeed, the composition of the disputed domain name supports a finding of impersonation which cannot grant rights or legitimate interests.

The Panel also notes the well-known value of the SAINT-GOBAIN trademarks or the typosquatting or, for having the Respondent incurred in a clear case of typosquatting. These circumstances prevent support a finding of lack of rights or legitimate interest in favor of the Respondent.

Besides, the silence of the Respondent once received the Complaint, has prevented the Panel from assessing if any circumstances may oppose to the Complainant´s prima facie showing.

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

3. Register 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 where the Complainant’s well-known trademark is clearly recognizable, the Respondent targeted the Complainant. Accordingly, the Panel determines that the Respondent knew or should have known about the Complainant and its trademarks when registering the disputed domain name.

Furthermore, panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel notes the distinctiveness and the reputation of the Complainant’s trademark and the composition of the disputed domain name to contend that, in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

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. **sainrt-gobain.com**: Transferred

PANELLISTS

Name	**Manuel Moreno-Torres**

DATE OF PANEL DECISION 2025-02-24

Publish the Decision