Decision for dispute CAC-UDRP-107410

Case number	CAC-UDRP-107410
Time of filing	2025-03-17 09:43:50
Domain names	schneiderelectrisc.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	SCHNEIDER ELECTRIC SE

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Angela Crandall

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 has demonstrated ownership of rights in the trademark SCHNEIDER ELECTRIC for the purposes of standing to file a UDRP complaint.

In particular, the Complainant is the owner of trademark registrations for SCHNEIDER ELECTRIC including the following:

- International trademark registration No. 715395 for SCHNEIDER ELECTRIC (word/device), registered on March 15, 1999;
- International trademark registration No. 715396 for SCHNEIDER ELECTRIC (word/device), registered on March 15, 1999;
- European Union trademark registration No. 001103803 for SCHNEIDER ELECTRIC (word/device), registered on September 9, 2005.

The Complainant also refers to ownership over the domain name <schneiderelectric.com> that incorporates its SCHNEIDER ELECTRIC trademark, and which is registered since April 4, 1996.

FACTUAL BACKGROUND

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

The disputed domain name was registered on March 10, 2025 and at the time of filing of the complaint it resolved to a parking page with sponsored links (pay-per-click page or PPC page). At the time of decision, the disputed domain name resolves to inactive page. Additionally, the Complainant has provided the evidence that the disputed domain name was used for sending phishing e-mails by which the Complainant was impersonated and third parties were informed about the change of payment information due to alleged issues with current bank accounts.

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.

Notably, the Complainant contends the disputed domain name is confusingly similar to its SCHNEIDER ELECTRIC trademark as it represents the obvious misspelling of this trademark (with the addition of letter "S") in combination with ".com" TLD which should not be taken into account when assessing confusing similarity.

Regarding the second UDRP element, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name and it is not related in any way with the Complainant. Neither 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 Respondent is also not commonly known by the disputed domain name. The Complainant claims that the disputed domain name is a typosquatted version of the trademark SCHNEIDER ELECTRIC and that typosquatting can evidence that a respondent lacks rights and legitimate interests in the domain name. Finally, the Complainant underlines that use of the disputed domain name for phishing scheme is not a bona fide offering of goods or services, nor a non-commercial or fair use.

With respect to the third UDRP element, the Complainant holds that its SCHNEIDER ELECTRIC trademark is well-known and that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark. The Complainant states the misspelling of the trademark SCHNEIDER ELECTRIC was intentionally designed to be confusingly similar with the Complainant's trademark. Further, the use of the disputed domain name for sending phishing emails which impersonated the Complainant's employee in order to receive undue payments from third parties clearly indicates that the Responded used the disputed domain name in bad faith, as it is well-established that using a domain name for purposes of phishing or other fraudulent activity constitutes solid evidence of bad faith use.

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

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents

submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy stipulates that the complainant must prove each of the following:

- that the disputed domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- that the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- that the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name, as stipulated in section 1.7 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("WIPO Overview 3.0").

The Complainant has shown rights in respect of the SCHNEIDER ELECTRIC trademark for the purposes of the Policy (WIPO Overview 3.0, section 1.2.1).

The second-level domain (SLD) of the disputed domain name "schneiderelectrisc" is very close to the SCHNEIDER ELECTRIC trademark and the only difference is addition of letter "s" in the disputed domain name. The addition of the letter "s" in the disputed domain name is insufficient to avoid a finding of confusing similarity. A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element (WIPO Overview 3.0, section 1.9).

Previous UDRP panels have consistently held that the applicable Top Level Domain ("TLD") in a domain name (eg, ".com", ".club", ".nyc" or ".online" in this case) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test (WIPO Overview 3.0, section 1.11.1).

In accordance with the above, the Panel finds that the first element of the Policy has been established and that the disputed domain name is confusingly similar to the trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

In particular, the Panel notes that there appears to be no relationship between the Respondent and the Complainant and that the Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant's SCHNEIDER ELECTRIC trademark. There appears to be no element from which the Panel could infer the Respondent's rights and legitimate interests in the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

Furthermore, based on the undisputed evidence provided by the Complainant, the disputed domain name was used for the e-mail campaign in which the Respondent presented herself as an employee of the Complainant and indicated change of bank account in order to obtain payments from third parties. Such behavior of the Respondent represents a type of Internet fraud and previous panels have consistently held that use of a disputed domain name for such purposes cannot be considered as a bona fide offering of goods or services nor as a legitimate noncommercial or fair use of the disputed domain name. In connection with the above, it should be noted that panels have held that the use of a domain name for illegal activity (such as for sending phishing e-mails and impersonation of the Complainant as in this case) can never confer rights or legitimate interests on a respondent (WIPO Overview 3.0, section 2.13.1).

Having in mind the above, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith (see WIPO Overview 3.0, section 3.2.1).

Regarding the registration of the disputed domain name in bad faith, the Panel holds that the Respondent had the Complainant in mind when registering the disputed domain name. The Complainant's SCHNEIDER ELECTRIC trademark has been registered and used long before the Respondent registered the disputed domain name, so it is unlikely that the Respondent was not aware of this trademark. The fact that the Respondent has chosen the domain name that differs from SCHNEIDER ELECTRIC trademark only in addition of single letter further indicates that the Respondent intentionally selected the domain name that is confusingly similar to the Complainant's trademark. Misspelling of trademark (the practice known as typosquatting) that enjoys certain reputation has been commonly recognized as evidence of bad faith by prior panels (see WIPO Overview 3.0, section 3.1.4). Finally, the fact that the Respondent has used the disputed domain name for the emails through which she has impersonated the Complainant leaves no room for doubt on the Respondent's knowledge of the Complainant and its SCHNEIDER ELECTRIC trademark and evidences that the Respondent actually had the Complainant in mind when registering the disputed domain name.

Due to the above, the Panel finds that the disputed domain name has been registered in bad faith.

As indicated above, based on the undisputed evidence provided by the Complainant, the disputed domain name was used for an e-mail campaign in which the Respondent presented herself as an employee of the Complainant and indicated change of bank account in order to obtain payments from third parties. Such fraudulent behavior manifestly indicates bad faith on the Respondent's side. In that sense, panels have held that the use of a domain name for illegal activity (such as phishing and impersonation) constitutes bad faith (WIPO Overview 3.0, section 3.4). Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

While the disputed domain name no longer resolves to an active website, such change of use and current passive holding does not prevent a finding of bad faith given the totality of the circumstances of the case at hand (WIPO Overview 3.0, section 3.3).

The Panel finds that the disputed domain name has been both registered and is being used in bad faith, and consequently 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. **schneiderelectrisc.com**: Transferred

PANELLISTS

Name	**Stefan Bojovic**

DATE OF PANEL DECISION 2025-04-22

Publish the Decision