Decision for dispute CAC-UDRP-107457

Case number	CAC-UDRP-107457
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Domain names	sqint-gobain.com

Case administrator

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

Complainant

Organization	COMPAGNIE DE SAINT-GOBAIN

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	jjc

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, including but not limited to:

- International trademark SAINT-GOBAIN n°740184 registered on July 26, 2000 at classes 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 17, 19, 20, 21, 22, 23, 24, 37, 38, 40, 42;
- International trademark SAINT-GOBAIN n°740183 registered on July 26, 2000 at classes 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 17, 19, 20, 21, 22, 23, 24, 37, 38, 40, 42;
- US trademark SAINT-GOBAIN n°73825251 registered since June 25, 1991 at classes 11, 17, 19, 20, 21, 22, 23 & 24;
- International trademark SAINT-GOBAIN n°596735 registered on November 2, 1992 at classes 1, 6, 9, 11, 12, 16, 17, 19, 20, 21, 22, 23 & 24;
- International trademark SAINT-GOBAIN n°551682 registered on July 21, 1989 at classes 1, 6, 7, 9, 11, 12, 16, 17, 19, 20, 21, 22, 23, 24, 37, 39 & 41;

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

FACTUAL BACKGROUND

FACTS PROVIDED BY THE COMPLAINANT:

The Complainant is a French company specialized in the production, processing and distribution of materials for the construction and industrial markets. The Complainant is a worldwide reference in sustainable habitat and construction markets. For 350 years, the Complainant has consistently demonstrated its ability to invent products that improve the quality of life. It is now one of the top industrial groups in the world with around 46.6 billion euros in turnover in 2024 and 161,000 employees

The Complainant operates its main webpage at “https://www.saint-gobain.com”, which was registered on December 29, 1995.

The disputed domain name <sqint-gobain.com> (hereinafter, the “Disputed Domain Name”) was registered on March 28, 2025 and it resolves to a parking page with commercial links. The Disputed Domain Name has configurated MX records.

According to the Complainant’s non-contested allegations, the Respondent has no rights or legitimate interest in respect of the Disputed Domain Name, and he is not related in any way to the Complainant’s business.

For the purpose of this case, the Registrar confirmed that the language of the registration agreement is English.

The Respondent did not reply to the Complaint.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

PARTIES CONTENTIONS

COMPLAINANT:

First element: Similarity

The Complainant confirms that the Disputed Domain Name <sqint-gobain.com> is confusingly similar to its well-known and distinctive trademark SAINT-GOBAIN.

The Complainant states that the substitution of the letter “A” by the letter “Q” in 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.

In Compliance’s opinion, this is a clear case of typosquatting, i.e. the Disputed Domain Name contains an obvious misspelling of the Complainant’s trademark. It is well-established that the slight spelling variations does not prevent a disputed domain name from being confusingly similar to the Complainant’s trademark.

Furthermore, the Complainant contends that the addition of the gTLD “.COM” does not change the overall impression of the designation as being connected to the Complainant’s trademark. It does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and its domain names associated.

Second element: Rights or legitimate interest

The Complainant asserts that the Respondent is not identified in the Whois as the Disputed Domain Name. In accordance with the Complainant, Past panels have held that a Respondent was not commonly known by a Disputed Domain Dame if the Whois information was not similar to the Disputed Domain Name. Thus, the Respondent is not known 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 does not carry out any activity for, nor has any business with the Respondent.

Neither licence nor authorization has been granted to the Respondent to make any use of the Complainant’s trademark SAINT-GOBAIN, or apply for registration of the Disputed Domain Name by the Complainant.

Besides, the Complainant also claims that 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 can be evidence that a respondent lacks rights and legitimate interests in the Disputed Domain Name.

Furthermore, the Disputed Domain Name resolves to a parking page with commercial links. In accordance with the Complainant’s allegation, past panels have found it is not a bona fide offering of goods or services or legitimate non-commercial or fair use.

Third element: Bad faith

The Complainant indicates that it has been using its trademark SAINT-GOBAIN worldwide well before the Disputed Domain Name’s registration date, especially in the United States. The Complainant also recalled that the Complainant trademark has a well-known character worldwide and has a long-standing worldwide operating website under the <saint-gobain.com> domain name.

The Disputed Domain Name is confusingly similar to the Complainant's well-known trademark SAINT- GOBAIN.

In view of the above evidence, the Complainant confirmed that the Respondent obviously knew the prior rights and wide use of

SAINT- GOBAIN by the Complainant being this the sole and only reason why the Complainant registered the Disputed Domain Name.

Furthermore, the Complainant states the misspelling of the trademark SAINT-GOBAIN was intentionally designed to be confusingly similar with the Complainant's trademark and this is an additional evidence of bad faith – in accordance with previous UDRP panels.

Moreover, the Disputed Domain Name resolves to a parking page with commercial links. The Complainant contends that the Respondent has attempted to attract Internet users for commercial gain to his own website thanks to the Complainant's trademarks for its own commercial gain, which is an evidence of bad faith. Finally, the Disputed Domain Name has been set up with MX records, which suggests that it may be actively used for email purposes. This is also indicative of bad faith registration and use because any email emanating from the Disputed Domain Name could not be used for any good faith purpose

RESPONDENT:

Respondent did not reply to the Complaint.

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

THE DISPUTED DOMAIN NAME IS CONFUSINGLY SIMILAR TO THE TRADEMARK SAINT-GOBAIN® OF THE COMPLAINANT.

From the Panel's perspective, the Disputed Domain Name <sqint-gobain.com> is composed of almost all letters of the trademark "**SAINT-GOBAIN**" with the replacement of the first letter "a" with "q". From the Panel's perspective, this an intentional misspelling of Complainant's trademark and a clear typo squatting case where internet users searching for "<https://www.saint-gobain.com>" might wrongly type in the computer's keyboard the letter "Q" instead of "A" (letters which are normally placed really close to each other) and by doing so, they would end up at Respondent's website "<sqint-gobain.com>". (See, e.g., Sanofi. v. Domains By Proxy, LLC /domain admin, WIPO Case No. D2013-0368: "The Domain Name consists of the SANOFI Mark with the letter "o" replaced by the letter "i". The replacement of "o" with "i" does not operate to prevent a finding of confusing similarity between the SANOFI Mark and the Domain Name especially in circumstance where the letters "o" and "i" are right next to each other on a typical "qwerty" keyboard, meaning that a single slip of the fingers would result in an Internet user who intended to visit the Complainant's website at www.sanofi.com visiting the Respondent's Website instead").

Furthermore, previous panels have found that special attention should be paid to domain names where the difference in spelling is so insignificant that it is hardly noticeable and does not change the distinctive character of the mark in question. See, e.g., BOURSORAMA SA v. francois goubert , CAC Case No. 104595: "This also applies to domain names where the difference in spelling is so insignificant that it is hardly noticeable and does not change the distinctive character of the mark in question. Most readers would be hard put to quickly spot the difference between "BOURSORAMA" and "BOUSORAMA". This takes some analysis, especially at the mind reads what it expects to see from previous experience. In this case, that expectation would be to read the well-known word "BOURSORAMA".

Lastly, the addition of the applicable Top-Level Domain Name ".com" in a domain name is considered as a standard registration

requirement and, therefore, it should be disregarded under the first element confusing similarity test (see paragraph 1.11 WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition "WIPO Overview 3.0").

Therefore, the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy and the Disputed Domain Name is confusingly similar to the Complainant's mark.

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

The second element of the Policy requires that the Complainant establishes that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The generally adopted approach by UDRP panels, when considering the second element, is that if a complainant makes out a prima facie case, the burden of proof shifts to the respondent to rebut it (see WIPO Jurisprudential Overview, version 3.0., paragraph 2.1).

The Complainant indicates that the Respondent is not affiliated nor authorized in any way to use the trademark SAINT-GOBAIN®. Furthermore, the Complaint argues that it does not carry out any activity for nor has any business with the Respondent. Finally, the Complainant has not granted a license or authorization to the Respondent to make any use of the trademark SAINT-GOBAIN®.

From the information provided by the Complainant, there is no evidence or reason to believe that the Respondent (as an individual, business or other organization) has been commonly known by the Disputed Domain Name. The Respondent registered the Disputed Domain Name using a privacy protected service and this is all what links the Disputed Domain Name with the Respondent. Absent of any other evidence such as a personal name, nickname or corporate identifier, the Panel is of the opinion that the Respondent is not commonly known by the Disputed Domain Name.

The Complainant also mentioned that the Disputed Domain Name is a typo squatted version of the trademark SAINT-GOBAIN®. In this regard, UDRP panels have confirmed in different decisions that when typosquatting is occurring, then this can be considered as additional evidence that the Respondent has no right or legitimate interest under the Policy. (See, e.g., Pentair Flow Services AG v. Scott Fisher, CAC Case No. 103931. "Since typosquatting is a practice of registering a domain name in an attempt to take advantage of internet users' typographical errors, this circumstance is also evidence that the Respondent lacks rights and legitimate interest in the disputed domain name").

The Complainant has also provided evidence showing that the Disputed Domain Name resolves to a parking page with commercial links, including the Complainant's trademark. Past panels have confirmed that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users (see WIPO Jurisprudential Overview, version 3.0., paragraph 2.9).

The fact that Respondent did not reply to the Complaint gives an additional indication that the Respondent lacks rights or legitimate interest since the Respondent did not provide with evidence of the types specified in paragraph 4 (c) of the Policy, or of any circumstances, giving rise to rights or legitimate interests in the Disputed Domain Name.

Therefore, the Panel concludes that neither the Respondent nor the evidence establishes that the Respondent has any right or legitimate interest in the Disputed Domain Name. The Complainant has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

THE DISPUTED DOMAIN NAME HAS BEEN REGISTERED AND IS BEING USED IN BAD FAITH IN ACCORDANCE WITH THE POLICY.

Paragraph 4(a)(iii) of the Policy indicates that the Complainant must assert that the Respondent registered and is using the Disputed Domain Name in bad faith. In this sense, Paragraph 4(b) of the Policy sets out four circumstances which if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

(i) circumstances indicating that the Respondent has registered or acquired the Disputed Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Disputed Domain Name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) The Respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or

(iii) The Respondent has registered the Disputed Domain Name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product.

The evidence submitted by Complainant confirms that its trademark SAINT-GOBAIN® is distinctive and it has a strong reputation in the production, processing, and distribution of materials for the construction and industrial markets industry. In this vein, the Complainant referred to the WIPO UDRP case Nr. D2020-3549 involving the Complainant by which the Panel indicated the following: "The Panel is satisfied that the Complainant is a well-established company which operates since decades worldwide under the trademark SAINT-GOBAIN."). Absent of Respondent's reply, the Panel finds that Respondent, prior to the registration of the Disputed Domain Name was aware of Complainant's trademark, in particular since the Disputed Domain Name was registered on December

12, 2024 and Complainant's trademarks were registered long before the registration of the Disputed Domain Name

Furthermore, the Disputed Domain Name is a typo squatted version of the trademark **SAINT-GOBAIN®**. Some panels have found that domain names comprising typos or misspellings of a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith (see paragraph 3.1.4 of WIPO Overview 3.0).

The Complainant has also provided evidence showing that the Disputed Domain Name resolves to a parking page with commercial links, including the Complainant's trademark. It is well established at different UDRP Panel resolutions that the Respondent cannot disclaim responsibility for content appearing on the website associated with its domain name (see paragraph 3.5. of WIPO Overview 3.0).

Last but not least, the Complainant provided with evidence showing that.MX records are configured. Past panels have found that the activation of mail exchanger record (MX record) suggests that the Respondent is using or is preparing to use the Disputed Domain Name to send and receive email communications with the purpose of misleading the recipients as to their source. This is an additional circumstance of the Respondent's bad faith. (See, e.g., Decathlon v. Privacy service provided by Withheld for Privacy, WIPO Case No. D2021-4369.

In light of the above-mentioned findings, the Panel finds that the evidence submitted by the Complainant supports the argument that by using the Disputed Domain Name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product.

Therefore, the Panel concludes that the Respondent registered and is using the Disputed Domain Name in bad faith and, thus has satisfied the requirement 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. **sqint-gobain.com**: Transferred

PANELLISTS

Name	**Victor Garcia Padilla**

DATE OF PANEL DECISION 2025-05-01

Publish the Decision