Decision for dispute CAC-UDRP-107490

Case number	CAC-UDRP-107490
Time of filing	2025-04-16 10:03:17
Domain names	saint-gobain-us.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	COMPAGNIE DE SAINT-GOBAIN

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Tam Tran

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 SAINT-GOBAIN trademarks registered worldwide, including the following international registrations: SAINT-GOBAIN No. 740184, registered on July 26, 2000; SAINT-GOBAIN No. 740183, registered on July 26, 2000; SAINT-GOBAIN No. 596735, registered on November 2, 1992; and SAINT-GOBAIN No. 551682, registered on July 21, 1989.

In addition, the Complainant holds numerous domain names incorporating the SAINT-GOBAIN mark, including one registered as early as December 29, 1995. SAINT-GOBAIN is also commonly used as the company name of the Complainant.

FACTUAL BACKGROUND

The Complainant is a French company specializing in the production, processing, and distribution of materials for the construction and industrial markets. SAINT-GOBAIN is recognized globally as a leader in sustainable habitat and construction solutions. With a long-term perspective, it develops innovative, high-performance products and services that promote sustainable construction and enhance daily life. For over 350 years, the Complainant has demonstrated a consistent ability to create products that improve quality of life. Today, it is one of the world's leading industrial groups, generating approximately EUR 46.6 billion in turnover in 2024 and employing around 161,000 people.

The disputed domain name was registered on April 13, 2025, and resolves to a template page. In addition, MX servers are

configured.

PARTIES CONTENTIONS

COMPLAINANT:

(i) The Complainant holds rights in the SAINT-GOBAIN trademark, as set forth in the “Identification of Rights” section above. The disputed domain name is confusingly similar to the SAINT-GOBAIN mark, as it fully incorporates the mark, with the mere addition of the geographical term “US” and the ".com" gTLD.

(ii) The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not commonly known by the disputed domain name, nor has the Complainant authorized or licensed the Respondent to use the SAINT-GOBAIN mark in any manner. Moreover, the Respondent is not using the disputed domain name in connection with any bona fide offering of goods or services, nor for any legitimate noncommercial or fair use. Instead, until recently, the disputed domain name resolved to a website template, which supports a presumption of a lack of legitimate interests.

(iii) The disputed domain name is confusingly similar to the Complainant’s well-known trademark SAINT-GOBAIN. It is evident that the Respondent was aware of the Complainant’s prior rights and extensive use of the SAINT-GOBAIN mark. The disputed domain name resolves to a template website lacking operator information, and any conceivable use by the Respondent would likely be illegitimate, including trademark infringement or misleading users for commercial gain through confusion with the Complainant’s mark. Furthermore, the configuration of MX servers indicates that the disputed domain name may be actively used for email purposes.

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

Paragraph 15(a) of the Rules for the UDRP ('the Policy') instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy requires that the Complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

(1) the domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the

Complainant has rights; and

(2) the Respondent has no rights or legitimate interests in respect of the domain name; and

(3) the domain name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations and inferences set forth in the Complaint as true unless the evidence is clearly contradictory. See Vertical Solutions Mgmt., Inc. v. webnetmarketing, inc., FA 95095 (FORUM July 31, 2000) (holding that the respondent's failure to respond allows all reasonable inferences of fact in the allegations of the complaint to be deemed true); see also Talk City, Inc. v. Robertson, D2000-0009 (WIPO Feb. 29, 2000) ("In the absence of a response, it is appropriate to accept as true all allegations of the Complaint.").

Rights

The Complainant holds rights in the SAINT-GOBAIN trademark, as set forth in the "Identification of Rights" section above. The Panel recognizes that an international or national trademark registration is sufficient to establish rights in a trademark. The Complainant has submitted evidence of its trademark registrations with international authorities. Accordingly, the Panel finds that the Complainant has established trademark rights in the SAINT-GOBAIN trademark.

The Complainant further argues that the disputed domain name **<saint-gobain-us.com>** is confusingly similar to the SAINT-GOBAIN trademark, as it fully incorporates the mark, with the mere addition of the geographic term "US" and the ".com" gTLD. The Panel concurs with the Complainant's position and concludes that the disputed domain name is confusingly similar to the SAINT-GOBAIN trademark.

No rights or legitimate interests

A complainant must first make a prima facie case that a respondent lacks rights or legitimate interests in the disputed domain name under Policy paragraph 4(a)(ii), after which the burden shifts to the Respondent to demonstrate that it does have rights or legitimate interests. See Section 2.1, WIPO Jurisprudential Overview 3.0 ("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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.").

The Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain name because the Respondent is not commonly known by the disputed domain name, nor has the Respondent been authorized by the Complainant to use the Complainant's mark, and the Respondent is not affiliated with the Complainant. Relevant information, such as WHOIS data, can serve as evidence to demonstrate whether a respondent is or is not commonly known by the disputed domain name under Policy paragraph 4(c)(ii). The Panel notes that the WHOIS data lists "Tam Tran" as the registrant, and there is no evidence in the record indicating that the Respondent was authorized to use the mark. Therefore, the Panel finds that the Respondent is not commonly known by the disputed domain name under Policy paragraph 4(c)(ii).

The Complainant asserts that the Respondent does not use the disputed domain name in connection with a bona fide offering of goods or services, nor for any legitimate noncommercial or fair use, as the disputed domain name resolved to a website template. The Complainant provides evidence in the form of a screenshot of the website associated with the disputed domain name, demonstrating that the Respondent's website is a template website.

The Panel specifically notes that the structure and contents of the website associated with the disputed domain name is comprised of the heading "YOGA PRACTICE Be happy. Be healthy. Be alive." with the subsections titled "Air Flow Collection," "SHOP THE COLLECTION," "6 Things You Need Right Now," "Shop the Essentials," "SHOP NOW," along with a yoga model's pictures and the listings of partners where the text of each section is editable.

The Panel finds that the website associated with the disputed domain name is operating as a "template site," which is a pre-designed website layout or structure that is generic, used as a placeholder or for mass production of similar sites. The Panel notes that such a template site usually features minimal customization and is frequently employed in domain monetization schemes, including: Pay-per-click (PPC) advertising pages, Auto-generated content, or Placeholder pages awaiting resale or future development. The Panel finds that the template site associated with the disputed domain name diverts traffic seeking the Complainant's trademark to the Respondent's website template. Therefore, the Panel concludes that the use of the disputed domain name for the website template does not constitute a bona fide offering of goods or services under Policy paragraph 4(c)(i) or a legitimate noncommercial or fair use under Policy paragraph 4(c)(iii).

Based on the foregoing considerations, the Panel finds that the Complainant has established a prima facie case against the Respondent. As the Respondent has failed to submit a Response or provide any rebuttal, the Panel determines that the Respondent has no rights or legitimate interests in the disputed domain name.

Bad faith

Paragraph 4(b) of the Policy provides a non-exclusive list of circumstances that evidence registration and use of a domain name in bad faith. Any one of the following is sufficient to support a finding of bad faith:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that the 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 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 its website or other online 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 or service on the respondent's website or location.

The Complainant asserts that the Respondent registered and is using the disputed domain name in bad faith because it resolves to a template website lacking operator information, and any conceivable use by the Respondent would likely be illegitimate, including trademark infringement or misleading users for commercial gain through confusion with the Complainant's mark.

The Panel recalls that the website associated with the disputed domain name is operating as a "template site," which refers to a pre-designed website layout or structure that is generic in nature and typically used as a placeholder or for the mass production of similar websites. The Panel notes that such template sites generally involve minimal customization and are frequently employed in domain monetization schemes, including pay-per-click (PPC) advertising pages, auto-generated content, or placeholder pages awaiting resale or future development. The Panel finds that the template site associated with the disputed domain name diverts traffic seeking the Complainant's trademark to the Respondent's generic web template. Therefore, the Panel concludes that the Respondent's use of the disputed domain name disrupts the Complainant's business and that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website 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 or service on the Respondent's website or location. Accordingly, the Panel finds that the Respondent registered and is using the disputed domain name in bad faith under Policy paragraph 4(b)(iii) and 4(b)(iv).

The Complainant further argues that the Respondent registered the disputed domain name with knowledge of the Complainant's trademark rights, given the well-known status of the SAINT-GOBAIN mark. While constructive knowledge alone is insufficient to establish bad faith under Policy paragraph 4(a)(iii), actual knowledge of a complainant's trademark rights is sufficient and may be inferred where a respondent uses the disputed domain name to impersonate the complainant. See Orbitz Worldwide, LLC v. Domain Librarian, FA 1535826 (Forum Feb. 6, 2014) (finding actual knowledge where the domain name incorporated the complainant's mark and the respondent's use implied an affiliation with the complainant); see also Spectrum Brands, Inc. v. Guo Li Bo, FA 1760233 (Forum Jan. 5, 2018) ("[T]he fact that Respondent registered a domain name that looked identical to the SPECTRUM BRANDS mark and used it as an email address to pass itself off as Complainant shows that Respondent knew of Complainant and its trademark rights at the time of registration.").

The Panel infers that the Respondent had actual knowledge of the Complainant's rights in the SAINT-GOBAIN mark prior to the registration of the disputed domain name, given the widespread recognition of the Complainant's trademark as set forth in the Factual Background section above. Accordingly, the Panel concludes that the Respondent registered the disputed domain name in bad faith under Policy paragraph 4(a)(iii).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **saint-gobain-us.com**: Transferred

PANELLISTS

Name	**Mr. Ho-Hyun Nahm Esq.**

DATE OF PANEL DECISION 2025-05-10

Publish the Decision