Decision for dispute CAC-UDRP-107573

Case number	CAC-UDRP-107573
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Domain names	saint-gobai.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	ykaochuang

OTHER LEGAL PROCEEDINGS

The Panel is unaware of any other pending or decided legal proceedings concerning the domain name <saint-gobai.com> ('the disputed domain name').

IDENTIFICATION OF RIGHTS

The Complainant, Saint-Gobain, relies upon the following registered trade marks, among others:

• International trade mark registration no. 551682, registered on 21 July 1989, for the figurative mark SAINT-GOBAIN, in classes 1, 6, 7, 9, 11, 12, 16, 17, 19, 20, 21, 22, 23, 24, 37, 39, and 41 of the Nice Classification of the Nice Classification; and

• International trade mark registration no. 740183, registered on 26 July 2000, for the figurative mark SAINT-GOBAIN, in classes 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 17, 19, 20, 21, 22, 23, 24, 37, 38, 40, and 42 of the Nice Classification.

(Hereinafter referred to as 'the Complainant's trade mark').

The disputed domain name was registered on 9 May 2025 and currently does not resolve to an active website. However, the Complainant has provided evidence of a webpage featuring pay-per-click (PPC) commercial links (herein referred to as 'the Respondent's website').

FACTUAL BACKGROUND

A. Complainant's Factual Assertions

The Complainant’s statements of fact can be summarised as follows:

The Complainant is a prominent French enterprise in the building materials industry and a worldwide leader in sustainability, with a turnover of approximately EUR 46.6 billion in 2024.

In addition to the trade mark referenced above and others within its portfolio, the Complainant possesses numerous domain names incorporating the term 'saint-gobain', most notably <saint-gobain.com>, which was registered in 1995.

B. Respondent's Factual Assertions

The Respondent has failed to serve a Response in this UDRP administrative proceeding. Consequently, the Complainant's factual assertions remain uncontested.

PARTIES CONTENTIONS

A. Complainant's Submissions

The Complainant's contentions can be summarised as follows:

A.1 The disputed domain name is confusingly similar to a trade mark in which the Complainant has rights

The Complainant asserts that the disputed domain name bears a striking resemblance to its distinguished trade mark SAINT-GOBAIN. The mere omission of a single letter does not dilute this similarity. This case exemplifies classic 'typosquatting', with an apparent misspelling intended to exploit typographical errors made by unsuspecting Internet users. The addition of the Top Level Domain ('TLD') <.com> does not alter the perception of affiliation with the Complainant's trade mark.

A.2 The Respondent has no rights or legitimate interests in respect of the disputed domain name

The Complainant contends that the Respondent has no rights or legitimate interests concerning the disputed domain name. The absence of any identifiable relationship between the Respondent and the Complainant, along with a lack of authorisation to use the trade mark SAINT-GOBAIN, underpins this assertion. Furthermore, the Respondent's configuration of the website as a commercial parking page undermines any claims of bona fide use.

A.3 The Respondent registered and is using the disputed domain name in bad faith

The registration of the disputed domain name demonstrates bad faith, given the Complainant's extensive and longstanding use of the trade mark SAINT-GOBAIN prior to the disputed domain name's acquisition. The intentional misspelling indicates acute awareness of the Complainant's trade mark rights. Moreover, the Respondent's actions of redirecting traffic for their own commercial benefit constitute evidence of bad faith use. The configuration of the disputed domain name with MX records implies potential e-mail use, indicating an active purpose rather than a genuine intent for legitimate use.

The Complainant therefore concludes that the Respondent has registered and is using the disputed domain name in bad faith.

B. Respondent’s Submissions

The Respondent has failed to serve a Response in this UDRP administrative proceeding. Hence, the Complainant’s submissions are uncontested.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain name is identical or confusingly similar to a trade mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the UDRP 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 UDRP 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 UDRP 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

A. Applicable Legal Framework

Pursuant to Rule 15 of the UDRP Rules, the Panel shall adjudicate a complaint based on the statements and documents submitted, in accordance with the UDRP Policy, the UDRP Rules, and any rules and principles of law deemed applicable.

Paragraph 4(a) of the UDRP Policy delineates the cumulative grounds the Complainant must establish to succeed:

> i. The disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;
>
> ii. The Respondent has no rights or legitimate interests in respect of the disputed domain name; and
>
> iii. The disputed domain name has been registered and is being used in bad faith.

These three elements shall be collectively referred to as 'the requirements of the UDRP Policy'. The standard of evidence in UDRP administrative proceedings is the balance of probabilities. The Panel will assess each requirement in sequence.

B. Identical or Confusingly Similar

The Panel is satisfied that the Complainant possesses UDRP-relevant rights to the registered trade mark SAINT-GOBAIN since 1989.

The Panel observes that the Complainant's trade mark SAINT-GOBAIN is nearly wholly incorporated within the disputed domain name <saint-gobai.com>, with only a single letter ('n') omitted – a deletion insufficient to diminish the overall resemblance. Moreover, the TLD is generally immaterial to the assessment under this UDRP Policy ground.

The Panel therefore finds that the Complainant has met the first requirement of the UDRP Policy.

C. Rights or Legitimate Interests

The evidence indicates that the Respondent is not commonly known by the disputed domain name. Moreover, the Panel notes the Respondent's absence of any affiliation with, or authorisation from, the Complainant regarding the trade mark SAINT-GOBAIN.

The Panel has also considered paragraph 2.9 of the WIPO Panel Views on Selected UDRP Questions, Third Edition ('WIPO Jurisprudential Overview 3.0'), which states that the use of a domain name to host a parked page featuring PPC links fails to represent a bona fide offering where such links compete with or capitalise on the reputation and goodwill of the complainant’s trade mark or otherwise mislead Internet users. This is clearly reflected in the Respondent’s use of the disputed domain name.

The Respondent defaulted in this UDRP administrative proceeding and has not refuted the Complainant's prima facie case. Therefore, the Respondent has not met its burden under the second UDRP Policy ground.

In light of the above, the Panel finds that the Complainant has fulfilled the second requirement of the UDRP Policy.

D. Registered and Used in Bad Faith

The Panel identifies several factors supporting a finding of bad faith registration.

First, the Complainant's trade mark SAINT-GOBAIN predates the registration of the disputed domain name by over three decades. Additionally, the disputed domain name retains the essential element of the trade mark SAINT-GOBAIN within its string. Furthermore, the Complainant is the holder of the nearly identical domain name <saint-gobain.com>. Therefore, the Panel concludes that the Respondent registered the disputed domain name with knowledge of, and intent to target, the Complainant.

With respect to the use in bad faith, the Complainant alleges that the Respondent may have engaged in conduct outlined in paragraph 4(b)(iv) of the UDRP Policy:

> '(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to your web site 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 your web site or location or of a product or service on your web site or location'.

As noted in the section 'Identification of Rights', the Complainant has provided evidence that the disputed domain name resolves to a parked page featuring PPC advertisements with commercial links.

The Panel has thus consulted paragraph 3.1.4 (circumstance (iv) above) of the WIPO Jurisprudential Overview 3.0 to evaluate the use of the disputed domain name under this UDRP Policy ground. In its assessment, the Panel finds that several factors bolster the Complainant's case: (i) actual confusion between the Complainant's trade mark SAINT-GOBAIN and the disputed domain name; (ii) the Respondent's deliberate attempts to provoke such confusion; (iii) the absence of any rights or legitimate interests held by the Respondent concerning the disputed domain name; and (v) the lack of any conceivable good faith use of the disputed domain name, particularly given the Respondent's hosting of PPC commercial links.

Accordingly, the Complainant has fulfilled the third and final requirement of the UDRP Policy.

E. Decision

For the above reasons, in accordance with paragraph 4(a) of the UDRP Policy and Rule 15 of the UDRP Rules, the Panel orders that the disputed domain name <saint-gobai.com> be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **saint-gobai.com**: Transferred

PANELLISTS

Name	**Gustavo Moser**

DATE OF PANEL DECISION 2025-06-07

Publish the Decision