Decision for dispute CAC-UDRP-108038

Case number	CAC-UDRP-108038
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Domain names	ksbfrance.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	KSB SE & Co. KGaA

Complainant representative

Organization	Convey srl

Respondent

Organization	KSB

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 the trademark "KSB" which is registered in numerous countries all over the world, including France. In particular, KSB SE & Co. KGaA owns:

- International Registration No. 662585 "KSB", registered on July 12, 1996 and duly renewed for goods and services in classes 06, 07, 09, 11, 37, 41 and 42;
- International Registration No. 407021 "KSB" (device), registered on April 26, 1974 and duly renewed for goods and services in classes 06, 07, 11 and 17;
- International Registration No. 1466266 "KSB SUPREMESERV" (device) registered on December 19, 2018 for services in classes 37, 38, 41 and 42;
- International Registration No. 1463039 "KSB SUPREMESERV", registered on December 19, 2018 for services in classes 37, 38, 41 and 42;
- International Registration No. 679050 "KSB B" (device), registered on July 14, 1997 and duly renewed for goods and services in classes 06, 07, 09, 11, 37, 41 and 42;
- International Registration No. 452821 "KSB" (device), registered on May 23, 1980 and duly renewed for services in classes 35, 37 and 42.
- EUTM No. 813659 "KSB" (device) filed on April 28, 1998, registered on July 23, 1999 and duly renewed for goods and services in classes 06, 07, 09, 11, 37, 41 and 42.

FACTUAL BACKGROUND

The Complainant informs that KSB SE & Co. KGaA is a leading supplier of pumps, valves and related systems for building services, industry and water transport, waste-water treatment and power plant processes. Founded in Frankenthal, Germany, in 1871, the sign KSB is the acronym of the founders' surnames: Johannes Klein, Friedrich Schanzlin and Jakob Becker. Today, the company has a presence on all continents with its own sales and marketing organizations, manufacturing facilities and service operations. With sales revenue running over 2.965,00 billion euros in 2024, the KSB Group is one of the leading suppliers of pumps, valves and related service worldwide. Nowadays, KSB employs more than 16,000 people with more than 190 service centers and around 3,500 service specialists. The Complainant's main manufacturing facilities have been located in Germany since 1951. Europe is the main market. The second-largest market is the Region Asia / Pacific, followed by the Region Americas and the Region Middle East / Africa. Outside Europe, KSB's biggest production sites are in Brazil, China, India and the USA.

The Complainant is the owner of the trademark KSB, with several international and national trademark registrations worldwide.

In order to protect and promote its trademark KSB on the Internet, Complainant registered various domain names consisting of or comprising the word "KSB" under several different TLDs.

The official website https://www.ksb.com/, generates a significant number of visits by Internet users. The Complainant is also active on the main social media, like Facebook, Twitter, YouTube and LinkedIn.

The disputed domain name <ksbfrance.com> was registered on August 12, 2025.

According to the Complainant the disputed domain name is highly similar to the "KSB" trademark since the mere addition of the geographical indicator "france", i.e. one of the countries where the Complainant is currently operating, to the trademark KSB does not avoid consumers to recognize the renown "KSB" trademark nor exclude the impression that the disputed domain name, and corresponding website, might be operated by the Complainant or with the Complainant's authorization.

Furthermore, the Complainant informs that the Respondent was never authorized, in any manner, by the Complainant to use its trademark "KSB".

In addition, the Complainant notes that the disputed domain name was redirected by the Respondent to a pay-per-click website where users are redirected to third-party website offering for sale products under the brands "DANFOSS", "OMFB" and "STAUFF", in competition with the Complainant and in an attempt to deceive users looking for the Complainant and its products. This use, in the Complainant's view, can not be considered either a bona fide offering of goods or services nor a legitimate non-commercial or fair use of the disputed Domain Name. On the contrary, according to the Complainant, such use of the disputed domain name clearly demonstrates that the sole purpose of the Respondent is to disrupt the Complainant's normal business and create confusion with the Complainant's name or mark to mislead the public with the intent to exploit, for commercial gain, Internet traffic destined for the Complainant.

The Complainant also observes that Respondent is profiting from the strong renown of the Complainant's trademark for its sole economic advantage through offering the disputed domain name for sale on the Sedo.com platform for an amount, i.e. 198 €, which exceeds any reasonable/documentable out-of-pocket costs directly associated with the registration and maintenance of the disputed domain name.

Additionally, the Complainant points out that a cease and desist letter was sent to the Respondent (even if there is no trace of this letter in the records) and a notification to the Registrar was also sent in order to request the suspension of the disputed domain name due to the unfair practices and trademark infringement. The Complainant notes that in both cases the Respondent never reacts and believes that said lack of reaction is additional evidence of bad faith.

Finally, with reference to the most particular aspect of the present case, the Complainant notes that the disputed domain name has been registered by a third unauthorized party with the aim of passing off as the Complainant through using the "KSB" name as Registrant organization denomination as well as the "Bruno Monjoint" Registrant name and "bruno.monjoint@mail.com"as Registrant email which is particularly relevant since Mr. Bruno Monjoint is the President of KSB France.

On November 4, 2025, the Complainant, after CAC has correctly notified the complaint to the physical address revealed by the Verification, has sent an additional notice explaining that the Complainant's French subsidiary had received the complaint and had decided not to participate in the proceedings since it was not the genuine owner of the disputed domain name.

PARTIES CONTENTIONS

The Complainant´s contentions are summarised above.

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

First of all, the Panel sees no obstacle to accepting the arguments submitted by the Complainant after the complaint was filed. Actually, the submitted information is useful for reconstructing the facts and relates to circumstances that occurred after the complaint was filed. In particular, the Complainant clarified that the Respondent would not have actively participated in the proceedings as it was completely unrelated to the facts, having never intended to register the disputed domain name.
Now, there are two possible scenarios. The first is in line with the data entered in the Whois database for the disputed domain name, which would support the argument that the domain name was effectively registered by the Complainant's French subsidiary, which would be very significant as that entity could indeed have a legitimate interest in registering the domain name. The second scenario, on the other hand, in line with the applicant's argument, is that the domain name was registered by an unknown person who simply provided details belonging to another entity/person, namely the applicant's French subsidiary and its president.
The Panel considers the second scenario to be the most realistic. In particular, the Panel's view is that the French subsidiary of the complainant would have had no interest in registering the disputed domain name in order to link it to a page containing links to competitors in order to confuse consumers, nor would it have had any interest in offering that domain name for sale on the Sedo.com platform.
In view of the above, the decision will be made considering the respondent as an unidentifiable entity but certainly different from KSB or Mr. Bruno Monjoint.

With all this said it is important to recall that Paragraph 4(a) of the Policy provides that to obtain the transfer of the disputed domain name, the Complainant must prove that each of the following elements is present:

(i) the disputed domain name is identical or confusingly similar to a trademark 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.

1) The disputed domain name fully includes the Complainant's trademark. Also, it is added to the wording "KSB" the word "FRANCE". In this respect the Panel notes that many previous panels under the Policy have found that a geographic identifier in a domain name (as in the disputed domain name <ksbfrance.com>) does not alter the finding of similarity between the domain name in dispute and the previous registered trademark (Six Continents Hotels, Inc. v. Sdf fdgg, WIPO Case No. D2004-0384 and Credit Agricole SA v. Frederik Hermansen, CAC Case No. 101249). Finally, the generic Top-Level Domain ".com" is obviously a mere standard registration requirement and should be disregarded when assessing whether a disputed domain name is confusingly similar to a trademark in which the Complainant has rights (see, between many others, Credit Mutuel Arkea vs. Domain Administration - CAC Case No. 102345). Accordingly, the Complainant has, to the satisfaction of the Panel, shown that the domain name is identical or confusingly similar to a trademark in which the Complainant has rights. The Complainant therefore succeeds on the first element of the Policy.

2) The Complainant has never authorized the Respondent to use the trademark "KSB". Furthermore, as seen above, the Complainant has argued, and the Panel agrees, that the Whois information for <ksbfrance.com> is false. This, also in consideration that there is nothing else in the content of the current or past associated website, which relates the Respondent to the disputed domain name (ArcelorMittal vs. SHRUTI MITTAL, CAC case No. 101910). On the contrary it is possible to interfere that the Respondent has chosen said information with the only purpose of disrupting the Complainant's business by impersonating the same Complainant or its local subsidiary. In any case, the mere fact that the disputed domain name was registered by someone allegedly named KSB or Bruno Monjoint (corresponding to the name of the President of the Complainant's French subsidiary) is insufficient to conclude that the Respondent owns legitimate rights or interests over it (Intesa Sanpaolo S.p.A. vs. Intesa Trade LTD, CAC Case No. 104118 and VIVENDI vs. K. Vivendi, LLC, CAC Case No. 102284). The Complainant therefore succeeds also on the second element of the Policy.

3) The Respondent has registered the disputed domain name containing in its entirety the well-known trademark of the Complainant "KSB" and adding the geographic term "FRANCE", creating in such a way a likelihood of confusion with the Complainant's trademark. Considering the notoriety of the Complainant's business and its mark worldwide and in particularly in France, where the Respondent has a registered subsidiary, it is unlikely that the registration of the disputed domain name may be attributed to a mere chance and not, as is, with a full awareness and intent to exploit the reputation of the Complainant and its mark acquired in many years.

As regards use, the disputed domain name resolved to a webpage which contained links to competing websites. Furthermore, the disputed domain name is being offered for sale on the Sedo.com platform for EUR 198. This, in view also of the finding that Respondent has no rights to or legitimate interests in the disputed domain name, constitutes evidence of bad faith use (Aygaz Anonim Sirketi v. Arthur Cain, WIPO Case No. D2014-1026). The fact that the disputed domain name is highly similar to the Complainant's trademark is also a clear indication that an offer to sell said domain name constitutes bad faith.

Under these circumstances and on this record, the Panel finds that Respondent has registered and is using the disputed domain name in bad faith. The Complainant therefore succeeds also on 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. **ksbfrance.com**: Transferred

PANELLISTS

Name	**Guido Maffei**

DATE OF PANEL DECISION 2025-11-21

Publish the Decision