

Decision for dispute CAC-UDRP-105535

Case number	CAC-UDRP-105535
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Time of filing	2023-06-15 09:32:42
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Domain names	shneider-electric.com
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Case administrator

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

Organization	SCHNEIDER ELECTRIC SE
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Name	Domain Administrator
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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 owns several trade marks consisting of the name SCHNEIDER ELECTRIC, including the international trade mark SCHNEIDER ELECTRIC, registration number 715395, first registered on 15 March 1999 in international classes 6, 9, 11, 36, 37, 39, and 42; the international trade mark SCHNEIDER S ELECTRIC, registration number 715396, first registered on 15 March 1999 in international classes 6, 9, 11, 36, 37, 39, and 42; and the European trade mark SCHNEIDER ELECTRIC, registration number 1103803, first registered on 12 March 1999 in international classes 6, 9, 11, 36, 37, 39, and 42. The Complainant's trade mark registrations all predate the registration of the disputed domain names.

Furthermore, the Complainant owns the domain name <schneiderelectric.com>, registered on 4 April 1996, which consists of and incorporates the name SCHNEIDER ELECTRIC, and which is connected to the Complainant's official website at <se.com> through which it informs Internet users and customers about its products and services.

FACTUAL BACKGROUND

The Complainant was founded in 1871 and is a French industrial business trading internationally. It manufactures and offers products for power management, automation, and related solutions. The Complainant is listed on the NYSE, Euronext, and French CAC 40 stock market indexes. In 2022, the Complainant's revenues amounted to 34.2 billion Euros.

The disputed domain name <shneider-electric.com> was registered on 27 October 2004 and resolves to parking page with commercial links.

PARTIES CONTENTIONS

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 trade mark 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

With regard to the first UDRP element, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trade mark SCHNEIDER ELECTRIC. Indeed, the disputed domain name incorporates the Complainant's trade mark in its entirety, save that the disputed domain name omits the letter "c" from the name element SCHNEIDER of the Complainant's trade mark. The Panel considers the present case to be a plain case of "typo-squatting", i.e., the disputed domain name contains an obvious and intentional misspelling of the Complainant's trade mark, which is not sufficient to alter the overall impression of the designation as being connected to the Complainant's trade mark. Minor alterations to the Complainant's trade mark do not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trade mark and associated domain name. The Panel follows in this respect the view established by numerous other decisions that a domain name which consists of a common, obvious, or intentional misspelling of a trade mark is to be considered to be confusingly similar to the relevant trade mark (see, for example, CAC Case No. 103124, Boehringer Ingelheim Pharma GmbH & Co.KG -v- Fundacion Comercio Electronico <boehringeringelheimpetreebates.com>; CAC Case No. 101990, JCDECAUX SA -v- Emma Purnell <jcdeceux.com>; CAC case No. 101892, JCDECAUX SA -v- Lab-Clean Inc <jcdacaux.com>; WIPO Case No. D2005-0941, Bayerische Motoren Werke AG, Sauber Motorsport AG v. Petaluma Auto Works <bmwsauberf1.com>; and WIPO Case No. D2015-1679, LinkedIn Corporation -v- Daphne Reynolds <linkedinjobs.com>; or, specifically with regard to the Complainant's trade mark, CAC Case No. 103960, SCHNEIDER ELECTRIC SE -v- michele Swanson <schnaider-electric.com> ("the obvious misspelling of the Complainant's trademark SCHNAIDER ELECTRIC instead of SCHNEIDER ELECTRIC is a clear evidence of "typosquatting").

With regard to the second UDRP element, there is no evidence before the Panel to suggest that the Respondent has made any use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. Neither is there any indication that the Respondent is making legitimate non-commercial or fair use of the disputed domain name. The Panel follows in this regard the view established by numerous other decisions that use of a domain to host a parked page comprising pay-per-click commercial links does not represent a bona fide offering of goods or services where such links compete with or capitalise on the reputation and goodwill of the complainant's trade mark, or otherwise mislead Internet users (see, for example, Forum Case No FA 970871, Vance Int'l, Inc. -v- Abend (concluding that the operation of a pay-per-click website at a confusingly similar domain name does not represent a bona fide offering of goods or services or a legitimate non-commercial or fair use, regardless of whether or not the links resolve to competing or unrelated websites or if the respondent is itself commercially profiting from the click-through fees); and WIPO Case No D2007-1695, Mayflower Transit LLC -v- Domains by Proxy Inc./Yariv Moshe ("Respondent's use of a domain name

confusingly similar to Complainant’s trademark for the purpose of offering sponsored links does not of itself qualify as a bona fide use.”)). The Panel further finds that the Respondent is not affiliated with or related to the Complainant in any way and is neither licensed nor otherwise authorised to make any use of the Complainant’s trade mark or to apply for or use the disputed domain name. Finally, the Whois information for the disputed domain name does not suggest that the Respondent is commonly known by the disputed domain name <shneider-electric.com>. Against this background, and absent any response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

With regard to the third UDRP element, it is reasonable to infer that the Respondent either knew, or should have known, that the disputed domain name would be confusingly similar to the Complainant's trade mark, and that the Respondent registered the disputed domain name in full knowledge of the Complainant's trade mark. Indeed, if the Respondent had carried out a Google search for the term “Shneider Electric”, the search results would have yielded immediate results related to the Complainant, its website, and its connected business, products and services. Indeed, it is likely that the disputed domain name would not have been registered if it were not for the Complainant's trade mark (see, for example, WIPO Case No D2004-0673 Ferrari Spa -v- American Entertainment Group Inc). Furthermore, the website related to the disputed domain name resolved to a parking page with pay-per-click links. Based on the decisions of other panels in similar cases, the Panel regards this as an attempt by the Respondent to attract Internet users for commercial gain to its own website based on the Complainant’s trade marks, and as further evidence of bad faith (see, for example, WIPO Case No D2018-0497, StudioCanal -v- Registration Private, Domains By Proxy, LLC / Sudjam Admin, Sudjam LLC (“In that circumstance, whether the commercial gain from misled Internet users is gained by the Respondent or by the Registrar (or by another third party), it remains that the Respondent controls and cannot (absent some special circumstance) disclaim responsibility for, the content appearing on the website to which the disputed domain name resolve [...] so the Panel presumes that the Respondent has allowed the disputed domain name to be used with the intent to attract Internet users for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, affiliation, or endorsement of the Respondent's website to which the disputed domain name resolves. Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith.”)). Absent any response from the Respondent, or any other information indicating the contrary, the Panel therefore also accepts that the Respondent has registered and is using the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **shneider-electric.com**: Transferred

PANELLISTS

Name	Gregor Kleinknecht
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DATE OF PANEL DECISION 2023-07-22

Publish the Decision