

Decision for dispute CAC-UDRP-105641

Case number	CAC-UDRP-105641
Time of filing	2023-08-08 13:29:16
Domain names	siemens-heathineers.com

Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	Siemens Trademark GmbH & Co. KG
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Respondent

Organization	Chad Moston (Elite Media Group)
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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

According to the evidence submitted by Complainant, Complainant is the owner of International Trademark nr. 1357232 SIEMENS-HEALTHINEERS with registration date 25 October 2016.

FACTUAL BACKGROUND

According to the information provided by the registrar the disputed domain name <siemens-heathineers.com> was registered on 31 January 2021.

According to the information provided by Complainant the disputed domain name resolves to a pay-per-click parking website.

PARTIES CONTENTIONS

COMPLAINANT:

Complainant is part of the Siemens Group. Siemens Healthineers has a 120-year track record in developing, manufacturing and selling a diverse range of imaging, diagnostics and advanced therapies products and services to healthcare providers in more than 180 countries. Siemens Healthineers is one of the largest manufacturers of medical equipment worldwide, with approximately 54.000 employees.

Complainant submits that the disputed domain name is confusingly similar to Complainant's trademark. According to Complainant this is a clear case of typosquatting, as the disputed domain name contains an obvious misspelling of Complainant's trademark, as only the letter "l" in the Healthineers part of the trademark is deleted in the disputed domain name.

According to Complainant, Respondent has no rights or legitimate interest in the disputed domain name. Respondent is not and has never been one of the Complainant's representatives, employees or one of its licensees, nor is otherwise authorized to use the

trademark SIEMENS-HEALTHINEERS. Complainant does not have any connection with Respondent. No such relation has ever been established between Respondent and Complainant. The disputed domain name resolves to a pay-per-click parking page. Therefore, Respondent is not using the domain name in connection with a bona fide offering of goods or services. Respondent has not been commonly known with this disputed domain name.

According to Complainant the disputed domain name is registered and is being used in bad faith. The disputed domain name was registered in bad faith, as Respondent clearly knew about the Complainant's earlier rights in the trademarks SIEMENS-HEALTHINEERS with the intention of taking predatory advantage of the goodwill of the Siemens Group, in order to divert Internet traffic, intended for the legitimate website of Siemens Healthineers, to Respondent's potential website. Complainant assert that this is a clear-cut typosquatting case, where the Respondent has "parked" this domain within the Registrar aiming to, either lure Complainant into offering to buy the domain from Respondent, in an attempt to extract monetary gain from such transaction, and/or use the disputed domain name at a later time, in order to purposefully create confusion with the offerings of the Siemens Group among the concerned consumers, and extract gain from fraudulent activity.

RESPONDENT:

No administratively compliant Response has been filed.

RIGHTS

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 Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

Complainant has, to the satisfaction of the Panel, shown 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

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

In the opinion of the Panel the disputed domain name is confusingly similar to Complainant's trademark. Many UDRP decisions have found that a disputed domain name is identical or confusingly similar to a complainant's trademark where the relevant trademark is recognizable within the disputed domain name. Complainant has established that it is the owner of a trademark registration for SIEMENS-HEALTHINEERS. The disputed domain name incorporates the entirety of the well-known SIEMENS-HEALTHINEERS trademark as its distinctive element. The deletion of the letter "l" in the HEALTHINEERS part of the trademark in the disputed domain name, is insufficient to avoid a finding of confusing similarity as the SIEMENS-HEALTHINEERS trademark remains the dominant component of the disputed domain name. The Top-Level Domain ("gTLD") ".com" in the disputed domain name may be disregarded.

The Panel notes that Complainant's registration of its trademark predates the creation date of the disputed domain name.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use its trademark or to register the disputed domain name incorporating its mark. Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark of Complainant. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent. In the view of the Panel this case is a typical case of "typosquatting" which does not confer any rights nor interest in the disputed domain name. In addition, the pay-per-click use of a domain name does not represent a bona offering of goods or services.

Respondent did not submit any response.

Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that the disputed domain name has been registered and is being used in bad faith. Complainant has rights in the SIEMENS-HEALTHINEERS trademark. Respondent knew or should have known that the disputed domain name included Complainant’s well-known mark. The Panel notes that the disputed domain name has been registered and is being used for “typosquatting” purposes.

The Panel also notes that the disputed domain name incorporates Complainant’s well-known trademark in its entirety, which indicates, in the circumstances of this case, that Respondent registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademark of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location or of a service on its website or location, which constitutes registration and use in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. **siemens-heathineers.com**: Transferred

PANELLISTS

Name	Dinant T.L. Oosterbaan
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DATE OF PANEL DECISION 2023-09-05

Publish the Decision