

## **ADMINISTRATIVE PANEL DECISION**

Compagnie de Saint-Gobain v. Blessed Office  
Case No. D2022-2182

### **1. The Parties**

The Complainant is Compagnie de Saint-Gobain, France, represented by Nameshield, France.

The Respondent is Blessed Office, Spain.

### **2. The Domain Name and Registrar**

The disputed domain name <siant-gobian.com> (the “Domain Name”) is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 15, 2022. On June 15, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On June 16, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on June 20, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on June 20, 2022.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on June 23, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 13, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 18, 2022.

The Center appointed Martin Schwimmer as the sole panelist in this matter on July 28, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant is a French joint stock company registered in the French Commercial Register of Paris since July 21, 1954.

The Complainant is a large multi-national manufacturer of construction and industrial materials. It has been in existence for over 350 years. The Complainant has more than 170,000 employees worldwide.

The Complainant owns the SAINT-GOBAIN mark, which has been registered worldwide. Registrations for the SAINT-GOBAIN trademark, including International trademark registration number 1552843 registered on December 18, 2001.

The Complainant operates a website at "www.saint-gobain.com". It registered the domain name <saint-gobain.com> in December 29, 1995.

The Domain Name was registered on May 17, 2022, and it does not direct to any active website.

The Complainant's trademark registrations predate the registration of the Domain Name.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant claims that the Domain Name is almost identical or at least confusingly similar to its famous SAINT-GOBAIN trademark. The reversal of the letters "A" and "I" in each of the two elements of the Domain Name does not distinguish the Domain Name from the Complainant's trademark. This is an intentional instance of typosquatting.

The Respondent has no rights or legitimate interests with respect to the Domain Name. The Complainant has not authorized the Respondent to use the SAINT-GOBAIN trademark in any matter.

The Domain Name does not resolve to an active website. It is being used as part of a phishing scheme in which the Respondent sends emails purporting to be originate with an employee of the Complainant.

The Domain Name was intentionally registered to create confusion for Internet users with the Complainant's trademark (as to the source, sponsorship, affiliation, or endorsement of the Respondent's website)

The Complainant thus concludes that the Respondent tried to benefit from the Complainant's world famous trademark, and that the Domain Name has been registered and is being used in bad faith.

##### **B. Respondent**

The Respondent did not reply to the Complainant's contentions.

## 6. Discussion and Findings

### A. Identical or Confusingly Similar

The Complainant owns registered trademarks on SAINT-GOBAIN that satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case.

The string “siant-gobian” has no independent recognizable meaning apart from being a misspelling of SAINT GOBAIN.

The WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.9, states: “A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element.”

Additionally, it is well established that a generic Top-Level-Domain (“gTLD”), in this case “.com”, is typically irrelevant to the consideration of identity or confusing similarity between a trademark and a domain name.

Accordingly, the Panel finds that the Domain Name is confusingly similar to the aforementioned trademark for the purpose of the UDRP, and therefore the first requirement is met under paragraph 4(a)(i) of the Policy.

### B. Rights or Legitimate Interests

The Complainant has made a *prima facie* case that the Respondent does not have rights or legitimate interests in the Domain Name. The Respondent has no connection or affiliation with the Complainant and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant’s trademark. The Respondent does not appear to engage in any legitimate noncommercial or fair use of the Domain Name, nor any use in connection with a *bona fide* offering of goods or services. In addition, the Respondent does not appear to be commonly known by the Domain Name or by a similar domain name.

Furthermore, the Complainant asserts that the Respondent has been improperly using the SAINT-GOBAIN mark to generate profit by utilizing the Domain Name to send phishing emails to customers of the Complainant, requesting payment be sent to an account not associated with the Complainant. Such use is clearly not a *bona fide* offering of goods or services,

The Respondent has not replied to the Complainant’s contentions.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

### C. Registered and Used in Bad Faith

As evidence of the Complainant’s reputation, the Panel observes that in 2000, the Complainant’s SAINT-GOBAIN trademark was the subject of one of the earliest UDRP proceedings. See *Compagnie de Saint Gobain v. Com-Union Corp.*, WIPO Case No. [D2000-0020](#) (<saint-gobain.net> transferred to the Complainant). Numerous UDRP panels have held that the Complainant’s SAINT-GOBAIN trademark is well-known. See, e.g., *Compagnie de Saint-Gobain v. On behalf of saint-gobain-recherche.net owner, Whois Privacy Service / Grigore PODAC*, WIPO Case No. [D2020-3549](#) (“The Panel is satisfied that the Complainant is a well-established company which operates since decades worldwide (sic) under the trademark SAINT-GOBAIN.”).

Considering the long-held reputation of the SAINT-GOBAIN trademark and the evidence proffered by the Complainant, the Panel cannot find any reason for the Respondent to register the Domain Name other than to take advantage of the Complainant or its trademarks. Prior UDRP panels have held that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising

typos) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith (Section 3.1.4, [WIPO Overview 3.0](#)).

Here, the Complainant has provided un rebutted evidence that the Respondent utilizes the Domain Name in connection with a phishing scheme. As noted in section 3.1.4 of the [WIPO Overview 3.0](#), the “use of a domain name for *per se* illegitimate activity such as [...] phishing [...] is manifestly considered evidence of bad faith”.

Considering the totality of the Complainant’s allegations and the Respondent’s failure to respond, the Panel concludes that the Complainant has established the third element of the Complaint and therefore, the Domain Name was registered and used in bad faith

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the Domain Name <siant-gobian.com> be transferred to the Complainant.

*/Martin Schwimmer/*

**Martin Schwimmer**

Sole Panelist

Date: August 21, 2022