

ADMINISTRATIVE PANEL DECISION

Schneider Electric SE v. Meg Thayer
Case No. D2023-1527

1. The Parties

The Complainant is Schneider Electric SE, France, represented by Nameshield, France.

The Respondent is Meg Thayer, United States of America.

2. The Domain Name and Registrar

The disputed domain name <schneiders-electric.com> is registered with Amazon Registrar, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 6, 2023. On April 6, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 7, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (on behalf of schneiders-electric.com owner, Identity Protection Service) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 13, 2023, 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 April 13, 2023.

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 May 11, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 11, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 17, 2023.

The Center appointed Alfred Meijboom as the sole panelist in this matter on June 13, 2023. 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 manufacturer and distributor of products for power management, automation, and related solutions which was founded in 1871, and whose revenues were EUR 28.9 billion in 2021.

The Complainant is owner of different trademark registrations for goods and services in classes 6, 9, 11, 36, 37, 39 and 42, including:

- International trademark SCHNEIDER ELECTRIC with no. 715395 which has been registered since March 15, 1999;
- International stylized trademark SCHNEIDER ELECTRIC with no. 715396 which has been registered since March 15, 1999; and
- European Union stylized trademark SCHNEIDER ELECTRIC with no. 1103803 which has been registered since September 9, 2005.
(the "SCHNEIDER ELECTRIC Trademark").

The Complainant is also the owner of many domain names which include the SCHNEIDER ELECTRIC Trademark, such as <schneiderelectric.com> which has been registered and used since 1996.

The disputed domain name was registered on May 2, 2022. The disputed domain name resolved to a parking page with sponsored links.

5. Parties' Contentions

A. Complainant

The Complainant alleges that the disputed domain name incorporates the SCHNEIDER ELECTRIC Trademark in its entirety with an addition of the letter "s" after "Schneider," which constitutes an obvious misspelling of the SCHNEIDER ELECTRIC Trademark, and is characteristic of a typosquatting practice intended to create confusing similarity between the Complainant's trademark and the disputed domain name.

According to the Complainant, the Respondent does not have rights or legitimate interests in connection to the disputed domain name as the Respondent is not known by the disputed domain name, is not related in any way with the Complainant, and was not authorized or licensed by the Complainant to register or use the disputed domain name. The Complainant alleges further that the disputed domain name is a typosquatted version of the SCHNEIDER ELECTRIC Trademark, which takes advantage of Internet users' typographical errors, while the disputed domain name resolves to a parking page with commercial links which is not a *bona fide* offering of goods or services or legitimate non-commercial or fair use of the disputed domain name.

The Complainant alleges that the SCHNEIDER ELECTRIC Trademark enjoys a reputation which makes it inconceivable that the Respondent could have registered the disputed domain name without actual knowledge of the Complainant's rights in the SCHNEIDER ELECTRIC Trademark, which evidences registration in bad faith. Furthermore, the Complainant alleges that the disputed domain name, resolving to a parking page with commercial links, is used to attract Internet users for the Respondent's commercial gain which is evidence of bad faith.

B. Respondent

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

6. Discussion and Findings

The Respondent did not file a response. However, as set out in section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), the Respondent’s default does not automatically result in a decision in favor of the Complainant. The Complainant must still establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from the Respondent’s default, paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in these proceedings. Paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, the Panel shall draw such inferences, as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. The Panel finds that in this case there are no such exceptional circumstances.

Under the Policy, the Complainant must prove that:

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

A. Identical or Confusingly Similar

It is well established that the generic Top-Level Domain “.com” should be disregarded in the assessment under paragraph 4(a)(i) of the Policy.

The Panel finds that the disputed domain name is confusingly similar to the SCHNEIDER ELECTRIC Trademark. The Respondent has taken the SCHNEIDER ELECTRIC Trademark in its entirety, and added a plural “s” to “Schneider” followed by a hyphen, which does not prevent a finding of confusing similarity between the disputed domain name and the SCHNEIDER ELECTRIC Trademark (see, e.g. *Schneider Electric SE v. 韩靖新 (han jing xin)*, WIPO Case No. [D2023-1543](#))

Consequently, the first element of paragraph 4(a) of the Policy has been met.

B. Rights or Legitimate Interests

The Complainant must show a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, which the Respondent may rebut (e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#)).

The Panel takes note of the Complainant’s various allegations and more specifically that the Respondent is not known by the disputed domain name, and no authorization has been given by the Complainant to register the disputed domain name which includes the SCHNEIDER ELECTRIC Trademark, and to use the disputed domain name for a parking page with sponsored links. The allegations of the Complainant remain unchallenged. There is no evidence before the Panel to show that the Respondent has rights or legitimate interests in the disputed domain name.

The Panel therefore finds that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Complainant showed that it has registered the SCHNEIDER ELECTRIC Trademark more than two decades before the Respondent registered the disputed domain name, and the Complainant undisputedly alleged that the SCHNEIDER ELECTRIC Trademark had a reputation at the time the Respondent registered

the disputed domain name. Moreover, the Panel notes that the Complainant is also the owner of many domain names which include the SCHNEIDER ELECTRIC Trademark, including <schneiderelectric.com> which has been registered and used since 1996. Therefore, the Panel considers it likely that the Respondent registered the disputed domain name because it was familiar with the Complainant and the SCHNEIDER ELECTRIC Trademark, and the Panel is satisfied the disputed domain name was registered in bad faith.

With respect to the Respondent's alleged use of the disputed domain name in bad faith, the Panel concludes that the Respondent has attempted to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's SCHNEIDER ELECTRIC Trademark through displaying sponsored links on the website to which the disputed domain name resolves. In this respect "(n)either the fact that such links are generated by a third party such as a registrar or auction platform (or their affiliate), nor the fact that the respondent itself may not have directly profited, would by itself prevent a finding of bad faith" (section 3.5 [WIPO Overview 3.0](#)).

Consequently, the Panel finds that the Complainant has also satisfied the third requirement of paragraph 4(a) of the Policy.

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 disputed domain name <schneiders-electric.com> be transferred to the Complainant.

/Alfred Meijboom/

Alfred Meijboom

Sole Panelist

Date: June 27, 2023