

ADMINISTRATIVE PANEL DECISION

Compagnie de Saint-Gobain v. Registration Private, Domains By Proxy, LLC /
Noor Punjwani

Case No. D2022-2181

1. The Parties

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

The Respondent is Registration Private, Domains By Proxy, LLC, United States of America (“United States”) / Noor Punjwani, United States.

2. The Domain Name and Registrar

The disputed domain name <saint-gobains.com> (the “Domain Name”) is registered with Wild West Domains, LLC (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 17, 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 17, 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 14, 2022.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on July 21, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is a French company specialized in production, processing, and distribution of materials for construction and industrial markets. It has a long history and is regarded as one of the top 100 industrial groups in the world.

The Complainant holds trademark registrations for SAINT-GOBAIN in several jurisdictions, such as International trademark registration no. 740184, registered on July 26, 2000, and United States registration no. 73825251, registered on June 25, 1991.

The Domain Name was registered on May 5, 2020. At the time of the Complaint, the Domain Name resolved to an inactive/error webpage.

5. Parties' Contentions

A. Complainant

The Complainant provides evidence of trademark registrations and argues that the Domain Name is confusingly similar to the Complainant's trademark. The addition of the letter "s" to the trademark SAINT-GOBAIN is not sufficient to escape confusing similarity to the Complainant's trademark. It is a clear case of typosquatting.

The Complainant asserts that the Respondent is not authorized to use the Complainant's trademark. The Respondent has not made any use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering of goods or services. The Domain Name has resolved to an inactive webpage, and it appears that the Respondent has not made any use of the Domain Name since registration. The Domain Name is a typosquatted version of the Complainant's trademark. It is an attempt to take advantage of Internet users' typographical errors and evidence that the Respondent lacks rights and legitimate interests in the Domain Name.

Based on the fame of the Complainant and the composition of the Domain Name, the Complainant submits that the Respondent must have known of the Complainant and its prior rights when the Respondent registered the Domain Name. The Domain Name has resolved to an inactive page, but MX servers are configured for email purposes. Besides this, the Respondent has not demonstrated any activity in respect of the Domain Name. It is not possible to conceive of any plausible actual or contemplated active use of the Domain Name by the Respondent that would not be illegitimate.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has established that it has rights in the trademark SAINT-GOBAIN. The test for confusing similarity involves a comparison between the trademark and the Domain Name. The Domain Name incorporates the Complainant's trademark, with the minor addition of "s". The addition does not prevent a finding of confusing similarity between the Domain Name and the trademark.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top Level Domains (“gTLDs”), see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.11.1.

The Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

As stated in [WIPO Overview 3.0](#), section 2.1, “while the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of ‘proving a negative’, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element”.

The Complainant has made un rebutted assertions that it has not granted any authorization to the Respondent to register a domain name containing the Complainant’s trademark or otherwise make use of the Complainant’s mark. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired unregistered trademark rights. The Respondent has not made use of, or demonstrable preparations to use, the Domain Name in connection with a *bona fide* offering. The Panel agrees that the Domain Name appears to be an attempt to take advantage of Internet users’ typographical errors, and, as such, it indicates that the Respondent lacks rights and legitimate interests in the Domain Name.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Based on the fame of the Complainant’s trademark and the composition of the Domain Name, the Panel finds that the Respondent must have been aware of the Complainant and its trademark when the Respondent registered the Domain Name.

The Panel notes that the Respondent has configured MX servers for email purposes. It may suggest bad faith phishing. Be that as it may, the Respondent has not demonstrated any good faith use of the Domain Name, and the Panel cannot conceive of any plausible legitimate use of the Domain Name by the Respondent. The registration appears intended to take unfair advantage of, or otherwise abuse, the Complainant’s trademark.

For the reasons set out above, the Panel concludes that the Domain Name was registered and is being used in bad faith, within the meaning of paragraph 4(a)(iii) 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 Domain Name < saint-gobains.com > be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: August 4, 2022