

ADMINISTRATIVE PANEL DECISION

SEB S.A. v. Martin Miller, AMAZON LTD USA

Case No. D2022-3924

1. The Parties

The Complainant is SEB S.A., France, represented by CSC Digital Brand Services Group AB , Sweden.

The Respondent is Martin Miller, AMAZON LTD USA, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <groupe-sebe.com> 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 October 19, 2022. On October 19, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 21, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on November 2, 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 November 3, 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 November 4, 2022. In accordance with the Rules, paragraph 5, the due date for Response was November 24, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 25, 2022.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on December 1, 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 manufacturer of small domestic appliances (including kitchen electric goods, home and personal care together with cookware products). The Complainant employs 33,000 people and has a presence across nearly 150 countries. The Complainant also maintains 40 industrial sites along with 1,300 retail stores and holds over 400 patents. In 2021, the Complainant reported sales of EUR8,059 millions and net income of EUR 454 millions. The Complainant's brand portfolio includes well-known brands in their respective industries like KRUPS, WMF and MOULINEX.

In 1944 the company was rebranded as S.E.B. The term SEB stands for Société d'Emboutissage de Bourgogne. Groupe SEB was incorporated in 1973 including SEB SA as its holding company together with many affiliates' companies.

The Complainant is the owner of several registrations across various jurisdictions for the trademark GROUPE SEB registered in France on August 2, 2005 (reg. 3374966), registered in the United Kingdom on August 6, 2007 (reg. 00800894757), and the European Union Trade Mark S GROUPE SEB registered on January 1, 2009 (reg. 006813422).

The Complainant maintains a presence on the Internet and promotes its brands through the use of its various domain names, including <groupeseb.com>.

The disputed domain name was registered on March 14, 2022, and is being used to impersonate the Complainant in connection with a fraudulent email scheme. The disputed domain name resolves to an inactive website.

5. Parties' Contentions

A. Complainant

The Complainant requests that the disputed domain name be transferred to the Complainant.

According to the Complainant, each of the three elements specified in paragraph 4(a) of the Policy are satisfied in the present case.

First, the Complainant submits that the disputed domain name is identical or confusingly similar to the GROUPE SEB trademark registrations of the Complainant.

The disputed domain name varies from the Complainant's trademark and primary domain name by a single letter. The Respondent has added an "e" to the end of the term "seb". The disputed Domain Name is a slight misspelling of the Complainant's GROUPE SEB trademark, as well as its <groupeseb.com> domain name, and the Respondent is attempting to capitalize on typing errors committed by the Complainant's customers in trying to locate the Complainant on the Internet.

Second, the Complainant argues that the Respondent has neither rights nor legitimate interests in the disputed domain name.

Third, the Complainant submits that the disputed domain name was registered and is being used in bad faith.

By registering a domain name that utilizes a one-letter typo of Complainant's GROUPE SEB trademark, the Respondent has created a disputed domain name that is confusingly similar to the Complainant's trademark, as well as its <groupeseb.com> domain. As such, the Respondent has demonstrated a knowledge of and familiarity with the Complainant's brand and business.

According to the Complaint, the Respondent has used the disputed domain name to commit a fraud. Specifically, the Respondent utilized the email address "[name]@groupesebe.com" to send fraudulent emails from the disputed domain name to Amazon (<amazon.de>) with the intent of gaining access to the Complainant's Amazon Marketplace account and subsequently, gaining access to the banking details tied to that account. In light of the facts set forth within this Complaint, it is "not possible to conceive of a plausible situation in which the Respondent would have been unaware of" the Complainant's brands at the time the disputed domain name was registered.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy lists three elements which a complainant must satisfy in order to succeed. The Complainant must satisfy that:

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

A. Identical or Confusingly Similar

The first element that the Complainant must establish is that the disputed domain name is identical or confusingly similar to the Complainant's trademark.

The Complainant holds several valid GROUPE SEB trademark registrations, which precede the registration of the disputed domain name.

The disputed domain name <groupesebe.com> is confusingly similar to the Complainant's trademark GROUPE SEB since it merely reproduces the GROUPE SEB trademark with the addition of the final letter "e". 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.

The disputed domain name incorporates the Complainant's GROUPE SEB trademark in its entirety. As numerous UDRP panels have held, where at least a dominant feature of the relevant trademark is recognizable in the domain name, it is sufficient to establish that a domain name is identical or confusingly similar to a registered trademark.

The Panel finds the first element of the Policy has therefore been met.

B. Rights or Legitimate Interests

Under the Policy, a complainant is required to make out a *prima facie* case that the respondent lacks rights or legitimate interests in the domain name. Once such a *prima facie* case is made, the respondent carries the burden of production of demonstrating rights or legitimate interests in the domain name. If the

respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 2.1.

Paragraph 4(c) of the Policy lists the ways that a respondent may demonstrate rights or legitimate interests in the domain name:

(i) before any notice of the dispute, the respondent's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a *bona fide* offering of goods or services; or

(ii) the respondent (as an individual, business or other organization) has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or

(iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

In this case, the Panel finds that the Complainant has made out a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. In particular, the Respondent has not submitted any arguments or evidence to rebut the Complainant's contention that it has never authorized, licensed or permitted the Respondent to use the GROUPE SEB trademark in any way.

The Respondent is also not using the disputed domain name in connection with any *bona fide* offering of goods or services (see next section in this decision), nor is the Respondent making a legitimate noncommercial or fair use of the disputed domain name. Rather, the illegal use of the disputed domain name can never confer rights or legitimate interests upon the Respondent. Section 2.13 of the [WIPO Overview 3.0](#).

Therefore, the Panel concludes that the Respondent does not have rights or a legitimate interests in the disputed domain name within the meaning of the Policy, paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

The Complainant contends that the Respondent registered and is using the disputed domain name in bad faith.

In the present case, the Panel finds that the Respondent was necessarily aware of the Complainant and its trademark at the time of the registration of the disputed domain name, since the disputed domain name has been used to create an email address from which the Respondent has sent emails for fraudulent purposes to a provider of the Complainant. The Respondent attempted to impersonate an employee of the Complainant, and the Complainant contends that this fraudulent conduct is sufficient to find a bad faith use of the disputed domain name.

The Panel is of the view that the use of a domain name for illegitimate activity is considered as manifest evidence of bad faith (see [WIPO Overview 3.0](#), section 3.4; *Colas, Société Anonyme v. Concept Bale*, WIPO Case No. [D2020-2733](#); and *COLAS, Société Anonyme v. Elliott Murray*, WIPO Case No. [D2020-2417](#)).

Considering the above evidence and findings, the Panel therefore finds that the Respondent registered and is using the disputed domain name in bad faith and that paragraph 4(a)(iii) of the Policy has been satisfied.

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 <groupesebe.com> be transferred to the Complainant.

/Pablo Palazzi/

Pablo Palazzi

Sole Panelist

Date: December 15, 2022