

## **ADMINISTRATIVE PANEL DECISION**

Schneider Electric SE v. Tina Collins  
Case No. D2023-3173

### **1. The Parties**

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

The Respondent is Tina Collins, Netherlands (Kingdom of the).

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

The disputed domain name <schneider-electric.com> is registered with GMO Internet, Inc. d/b/a <Discount-Domain.com> and <Onamae.com> (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 24, 2023. On July 25, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 9, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 9, 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 in English on August 10, 2023.

On August 9, 2023, the Center transmitted an email communication to the Parties in both English and Japanese regarding the language of the proceeding. On August 10, 2023, the Complainant submitted a request that English be the language of the proceeding. The Respondent did not comment on the language of the proceeding.

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 in both English and Japanese, and the proceedings commenced on August 16, 2023. In

accordance with the Rules, paragraph 5, the due date for Response was September 5, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 6, 2023.

The Center appointed Erica Aoki as the sole panelist in this matter on September 14, 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 industrial business founded in 1871. The Complainant manufactures and offers products for power management, automation, and related solutions internationally. The Complainant is featured on the NYSE Euronext and the French CAC 40 stock market index. In 2022, the Complainant revenues amounted to EUR 34.2 billion.

The Complainant owns several trademarks including the terms "schneider electric", such as: International trademark SCHNEIDER ELECTRIC n° 715395 registered since March 15, 1999; International trademark SCHNEIDER S ELECTRIC n° 715396 registered since March 15, 1999; and European Union trademark SCHNEIDER ELECTRIC n° 001103803 registered since September 9, 2005.

The disputed domain name was registered on June 9, 2023. The disputed domain name does not resolve to active website; however, MX servers are configured.

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

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

The Complainant is a French multinational company specialized in digital automation and energy management.

The Complainant is a Fortune Global 500 company, publicly traded on the Euronext Exchange.

Since 2019, the Complainant has been operating business units: Energy Management, Industrial Automation, and Services.

The Complainant is the owner of many domain names which include the trademark SCHNEIDER ELECTRIC such as <schneiderelectric.com> registered and used since April 4, 1996.

The Complainant contends that the disputed domain name is confusingly similar to its trademark SCHNEIDER ELECTRIC. The replace of the letter "i" by "l" in the trademark constitutes an obvious misspelling of the Complainant's trademark SCHNEIDER ELECTRIC and is characteristic of a typosquatting practice intended to create confusing similarity between the Complainant's trademark and the disputed domain name.

Moreover, the Complainant contends that the addition of the generic Top-Level Domain ("gTLD") suffix ".com" does not change the overall impression of the designation as being connected to the trademark SCHNEIDER ELECTRIC. It does not prevent a finding of confusing similarity between the disputed domain name and the Complainant and its trademark.

Furthermore, the disputed domain name resolves to an inactive page and, MX servers are configured.

## B. Respondent

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

## 6. Discussion and Findings

The Complainant is required to establish the requirements specified under paragraph 4(a) of the Policy:

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

### A. Language of the Proceeding

The language of the Registration Agreement for the disputed domain names is Japanese. Paragraph 11(a) of the Rules provides that “unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding”. The Panel may also order that any documents submitted in a language other than that of the proceeding be translated.

However, as noted by previous UDRP panels, paragraph 11 of the Rules must be applied in accordance with the overriding requirements of paragraphs 10(b) and 10(c) of the Rules that the parties are treated equally, that each party is given a fair opportunity to present its case and that the proceeding takes place with due expedition (see, e.g., *General Electric Company v. Edison Electric Corp. a/k/a Edison Electric Corp. General Energy, Edison GE, Edison-GE and EEEGE.COM*, WIPO Case No. [D2006-0334](#)).

In deciding whether to allow the proceeding to be conducted in a language other than the language of the Registration Agreement, and to require the Complainant in an appropriate case to translate the Complaint into the language of that Agreement, the Panel must have regard to all “the relevant circumstances” of the case. The factors that the Panel should take into consideration include *inter alia* whether the Respondent is able to understand and effectively communicate in the language in which the Complaint has been made and would suffer no real prejudice, and whether the expenses of requiring translation and the delay in the proceedings can be avoided without causing injustice to the Parties.

According to section 4.5.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), prior UDRP panels have found that certain scenarios may warrant proceeding in a language other than that of the registration agreement. Such scenarios include: (i) evidence showing that the respondent can understand the language of the complaint, (ii) the language/script of the domain name particularly where the same as that of the complainant's mark, (iii) any content on the webpage under the disputed domain name, (iv) prior cases involving the respondent in a particular language, (v) prior correspondence between the parties, (vi) potential unfairness or unwarranted delay in ordering the complainant to translate the complaint, (vii) evidence of other respondent-controlled domain names registered, used, or corresponding to a particular language, (viii) in cases involving multiple domain names, the use of a particular language agreement for some (but not all) of the disputed domain name, (ix) currencies accepted on the webpage under the disputed domain name, or (x) other indicia tending to show that it would not be unfair to proceed in a language other than that of the registration agreement.

The Complainant has submitted a request that the language of the proceeding be English.

The Panel notes that the Center notified the Respondent in Japanese and English regarding the language of the proceeding and the Respondent was invited to present his objection to the proceeding being held in English and if the Center did not hear from the Respondent by the specified due date, the Center would proceed on the basis that the Respondent had no objection to the Complainant's request that English be the language of the proceeding. The Respondent had the opportunity to raise objections or make known his preference but did not do so. The Panel further notes that the Center notified the Respondent in Japanese and English of the Complaint, and the Respondent was informed that it could file a response either in Japanese or English, but the Respondent did not file any response.

Taking all these circumstances into account, the Panel finds that it is appropriate to exercise its discretion and allow the proceeding to be conducted in English.

### **B. Identical or Confusingly Similar**

Based on the facts presented by the Complainant, this Panel finds that the Complainant has established its rights in SCHNEIDER ELECTRIC through registration and use. The Panel finds that the disputed domain name is confusingly similar to the Complainant's registered trademark, as the disputed domain name includes the Complainant's mark, with only replacement of the letter "i" by "I" in the trademark constituting an obvious misspelling of the Complainant's trademark SCHNEIDER ELECTRIC which does not prevent a finding of confusing similarity (see section 1.8 of the [WIPO Overview 3.0](#)).

The Panel finds that the disputed domain names are confusingly similar to the Complainant's trademark and that the Complainant has established paragraph 4(a)(i) of the Policy.

### **C. Rights or Legitimate Interests**

The Panel finds the following on record in this proceeding under the Policy:

The Respondent is in default and thus has made no affirmative attempt to show any rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy indicates that a respondent may have a right or legitimate interest in a domain name if it uses the domain name in connection with a *bona fide* offering of goods or services prior to notice of the dispute. In this regard, the Respondent is in no way connected with the Complainant and has no authorization to use any of the Complainant's trademark and has made no *bona fide* use of the disputed domain name.

There is no evidence on record that the Respondent is or was commonly known by the disputed domain name as an individual, business, or other organization.

There is no evidence on record that the Respondent is 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 Complainant's trademark.

Furthermore, the Panel notes that the disputed domain name incorporates the Complainant's SCHNEIDER ELECTRIC trademark in its entirety with only replacement of the letter "i" by "I" in the trademark constituting an obvious misspelling of the Complainant's trademark SCHNEIDER ELECTRIC that can cause confusion among Internet users and accordingly cannot constitute a fair use in these circumstances.

Thus, the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Panel therefore finds that the Complainant has established an un rebutted *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name, under the Policy, paragraph 4(a)(ii).

#### **D. Registered and Used in Bad Faith**

The Respondent has registered the disputed domain name to make a connection with the Complainant through disputed domain name. The disputed domain name has been chosen to deliberately incorporate the entirety of the Complainant's core, and primary, trademark.

The Complainant's trademark was registered well before the registration of the disputed domain name, and considering the reputation of the Complainant's trademark, it is evident from the Respondent's use of the disputed domain name that the Respondent knew of the Complainant's SCHNEIDER ELECTRIC trademark when registering the disputed domain name and intentionally registered the disputed domain name to take advantage of the Complainant's SCHNEIDER ELECTRIC trademark and most likely the goodwill.

Furthermore, the Complainant's SCHNEIDER ELECTRIC trademark is distinctive and unique to the Complainant. It is therefore beyond the realm of coincidence that the Respondent chose the disputed domain name without the intention of creating a false association with the Complainant.

The Panel finds that it is clear that the Respondent registered the disputed domain name in bad faith.

As to the use, the disputed domain name does not resolve to active website. Section 3.3 of the [WIPO Overview 3.0](#) describes the circumstances under which the passive holding of a domain will be considered to be in bad faith: "[w]hile panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put." In this case, based on the reputation of the Complainant's trademark, the lack of response from the Respondent, the nature of the disputed domain name consisting of an intentional misspelling of the Complainant's trademark and the implausibility of any good faith use the misleading disputed domain name may be put, the Panel finds that the non-use of the disputed domain name does not prevent a finding of bad faith under the doctrine of passive holding in this case.

Accordingly, and as also supported by the Panel's findings above under the second element of the Policy, the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith under the Policy, paragraph 4(a)(iii).

#### **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 <schneider-electric.com> be transferred to the Complainant

*/Erica Aoki/*

**Erica Aoki**

Sole Panelist

Date: September 25, 2023