

ADMINISTRATIVE PANEL DECISION

Société Française Assainissement SFA v. Privacy Service Provided by Withheld for Privacy ehf / Simon Bolivar
Case No. D2022-1336

1. The Parties

The Complainant is Société Française Assainissement SFA, France, represented by IP Twins, France.

The Respondent is Privacy Service Provided by Withheld for Privacy ehf, Iceland / Simon Bolivar, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <sanibroyeur-sfa.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 13, 2022. On April 14, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. Also on April 14, 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 April 22, 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 the same April 22, 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 April 26, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 16, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 18, 2022.

The Center appointed Andrea Mondini as the sole panelist in this matter on May 23, 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 was established in 1958 and evolved to a leading provider of sanitary and pumping solutions for water treatment, spa equipment and domestic and professional pumping solutions. The Complainant is active on an international scale and has 25 subsidiaries in different countries.

The Complainant owns numerous trademark registrations for the terms SANIBROYER and SFA, including the French trademark SANIBROYEUR No. 1248372, registered on October 17, 1983, duly renewed and covering products in International Class 7; the International registration SANIBROYEUR No. 660737, registered on September 16, 1996, duly renewed, covering products in International Class 7, and designating several countries; the European Trademark SFA No. 00361273, registered on April 28, 2005, duly renewed, and covering products in International Classes, 3, 7, and 11; International registration SFA No. 537230, registered on April 10, 1989, duly renewed, and covering products in International Classes 7 and 11.

The Complainant also holds several domain names incorporating the trademarks SFA or SANIBROYEUR, including <sanibroyeur.info> and <sfa.fr>.

The disputed domain name was registered on August 27, 2020.

The disputed domain name resolves to a website imitating the Complainant's official website.

5. Parties' Contentions

A. Complainant

The Complainant contends as follows:

The disputed domain name is confusingly similar to the trademarks SANIBROYEUR and SFA in which the Complainant has rights, because it identically incorporates and combines these trademarks in their entirety.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The marks SANIBROYEUR and SFA are associated with the Complainant, since these trademarks have been extensively used to identify the Complainant and its products in numerous countries. The Respondent is not commonly known by the disputed domain name and has not been authorized by the Complainant to use these trademarks and prior to the notice of this dispute there is no evidence of the Respondent's use, or demonstrable preparation to use, the disputed domain name in connection with a *bona fide* offering of goods and services: to the contrary, the disputed domain name resolves to a website that is highly similar to the official website of the Complainant and that reproduces its name and trademarks without any element or disclaimer to clarify the lack of relationship with the Complainant, which shows the Respondent's intention to impersonate the Complainant and deceive Internet users.

The disputed domain name was registered in bad faith because it is obvious that the Respondent had knowledge of both the Complainant and its well-known trademarks SANIBROYEUR and SFA at the time it registered the disputed domain name. The fact that the disputed domain name resolves to a website that is highly similar to the Complainant's official website shows the Respondent's intention to impersonate the Complainant, which is evidence of use in bad faith.

B. Respondent

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

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

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

A. Identical or Confusingly Similar

The Panel is satisfied that the Complainant owns trademark registrations for its SANIBROYEUR and SFA trademarks.

The Panel notes that the disputed domain name incorporates and combines these trademarks in their entirety. The mere combination of these trademarks with the addition of the hyphen does not prevent a finding of confusing similarity under Policy, paragraph 4(a)(i). See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8.

For these reasons, the Panel concludes that the disputed domain name is confusingly similar to the Complainant's marks SANIBROYEUR and SFA.

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

B. Rights or Legitimate Interests

The Complainant states it has not authorized the Respondent to use the trademarks SANIBROYEUR and SFA and that the disputed domain name resolves to a website highly similar to the Complainant's official website without any notice or disclaimer to clarify the lack of relationship to the Complainant. The Panel does not see any contrary evidence from the record.

In the view of the Panel, the Complainant has succeeded in raising a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. For its part, the Respondent failed to provide any explanations as to any rights or legitimate interests. Therefore, the Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain name.

Furthermore, the nature of the disputed domain name, combining the Complainant's trademarks carries a risk of implied affiliation. See [WIPO Overview 3.0](#), section 2.5.1.

The second element of paragraph 4(a) of the Policy has been met.

C. Registered and Used in Bad Faith

The Complainant has shown to the satisfaction of the Panel that its trademarks SANIBROYEUR and SFA have been used in many countries over the past years and are thus well known in the field of water treatment solutions.

Considering in particular that the disputed domain name resolves to a website imitating the Complainant's official website, it is inconceivable that the Respondent could have registered the disputed domain name

without knowledge of the Complainant's well-known trademarks. In the circumstances of this case, this is evidence of registration in bad faith.

The fact that the disputed domain name resolves to a website imitating the Complainant's official website without any element or disclaimer to clarify the lack of relationship with the Complainant, is also evidence of use in bad faith because it shows the Respondent's intention to attract Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source or affiliation of its website. Furthermore, noting the nature of the disputed domain name, it is inconceivable that the Respondent could make any good faith use of the disputed domain name.

The Panel thus finds that the disputed domain name was registered and is being used in bad faith.

The third element of paragraph 4(a) of the Policy has been met.

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, <sanibroyeur-sfa.com> be transferred to the Complainant.

/Andrea Mondini/

Andrea Mondini

Sole Panelist

Date: June 3, 2022