

ADMINISTRATIVE PANEL DECISION

Compagnie de Saint-Gobain v. Michel Sternbuch
Case No. D2023-4017

1. The Parties

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

The Respondent is Michel Sternbuch, United States of America.

2. The Domain Name and Registrar

The disputed domain name <saint-gobain.com> is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 26, 2023. On September 26, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 5 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 (Contact Privacy Inc. Customer 7151571251) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 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 on October 9, 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 October 12, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 1, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 2, 2023.

The Center appointed Beatrice Onica Jarka as the sole panelist in this matter on November 15, 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 company specialized in the production, processing and distribution of materials for the construction and industrial markets, which is worldwide reference in sustainable habitat and construction markets.

The Complainant is the owner of several trademarks SAINT-GOBAIN, registered worldwide, such as:

- European trademark SAINT-GOBAIN n°001552843 registered on December 18, 2001;
- International trademark SAINT-GOBAIN n°740184 registered on July 26, 2000;
- International trademark SAINT-GOBAIN n°740183 registered on July 26, 2000;
- International trademark SAINT-GOBAIN n°596735 registered on November 2, 1992;
- International trademark SAINT-GOBAIN n°551682 registered on July 21, 1989.

The Complainant also owns many domain names including its trademark SAINT-GOBAIN, such as the domain name <saint-gobain.com> registered on December 29, 1995. SAINT-GOBAIN is also commonly used to designate the company name of the Complainant.

The disputed domain name was registered on August 24, 2023 and resolves to an inactive page.

5. Parties' Contentions

A. Complainant

The Complainant contends various facts on each of the three elements of the Policy, as follows:

- On identical or confusingly similar nature of the disputed domain name, the Complainant contends that the disputed domain name <saint-gobain.com> is confusingly similar to its well-known and distinctive trademark SAINT-GOBAIN and the substitution of the letter "B" by the letter "D" in the trademark SAINT-GOBAIN is not sufficient to escape the finding that the domain name is confusingly similar to the trademark and branded goods SAINT-GOBAIN. This is a clear case of typosquatting, i.e., the disputed domain name contains an obvious misspelling of the Complainant's trademark.
- On rights or legitimate Interests of the Respondent in the disputed domain name, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name, as it is not identified in the Whois database as the disputed domain name, but as "Michel Sternbuch". Moreover, the Respondent is not known by the Complainant and neither affiliated with nor authorized by the Complainant in any way. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant's trademark SAINT-GOBAIN, or apply for registration of the disputed domain name. Besides, the disputed domain name is a typosquatted version of the trademark SAINT-GOBAIN.
- On registration and use of the disputed domain name, the Complainant asserts that the Complainant's trademark has a well-known character worldwide and has a long-standing worldwide operating website under the <saint-gobain.com> domain name and it may be inferred that the Respondent obviously knew the prior rights and wide use of SAINT-GOBAIN by the Complainant. That is the sole and only reason why he registered the litigious domain name. Furthermore, the Respondent has used the disputed domain name to pass off as one of the Complainant's subsidiary employees. Moreover, the Complainant states the

misspelling of the trademark SAINT-GOBAIN was intentionally designed to be confusingly similar with the Complainant's trademark. Finally, the disputed domain name resolves to an inactive page and it has been used in a phishing scheme. The Complainant states that the Respondent used the disputed domain name in bad faith, as it is well-established that using a domain name for purposes of phishing or other fraudulent activity constitutes solid evidence of bad faith use.

B. Respondent

Despite of being procedurally summoned, the Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel finds that the Complainant holds rights in the well-known and distinctive trademark SAINT-GOBAIN

On identical or confusingly similar nature of the disputed domain name, the Panel agrees that the disputed domain name <saint-godain.com> is confusingly similar to the trademark SAINT-GOBAIN and the substitution of the letter "B" by the letter "D" in the disputed domain name is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark SAINT-GOBAIN, which remains fully recognisable within the disputed domain name. Moreover the Panel finds that indeed, the substitution of the letter "B" by the letter "D", although not adjacent, may be qualified as a typosquatting, as per WIPO Section 1.9 of the Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)).

Consequently, this Panel finds that the disputed domain name is confusingly similar with the Complainant's well known SAINT-GOBAIN trademark and the Complainant succeeded in establishing the first element of the Policy.

B. Rights or Legitimate Interests

As per the second element of the Policy, the Complainant has to show that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that *prima facie* showing, the burden of production shifts to the Respondent, according to the section 2.1 of the [WIPO Overview 3.0](#). In these proceedings, this Panel is satisfied that the Complainant has made a *prima facie* showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name and such showing has not been rebutted by the Respondent, as it did not reply to the Complainant's contentions.

There is a number of circumstances which asserted by the Complainant are indicative of lack of rights and legitimate interest in holding the disputed domain name. Based on these assertions, the Panel finds the Respondent is not identified in the WhoIs database as the disputed domain name, the disputed domain name resolves to an inactive page and has been used in a phishing scheme. Under no circumstances such as of the disputed domain name could qualify as *bona fide* offering of goods or services under Paragraph 4(c)(i) of the Policy, or as non-commercial or fair use pursuant to Paragraph 4(c)(iii) of the Policy.

For the reasons above, this Panel finds that the Complainant succeeded in establishing the second element of the Policy.

C. Registered and Used in Bad Faith

On registration and use of the disputed domain name, the Panel agrees with the Complainant that:

- the Complainant's trademark has a wellknown character worldwide and has a long-standing worldwide operating website under the <saint-gobain.com> domain name the Respondent obviously knew the prior rights and wide use of the SAINT-GOBAIN trademark by the Complainant;
- the sole and only reason why the Respondent registered the disputed domain name is likely the prior knowledge of the Respondent about the Complainant's trademark;
- the Respondent has used the disputed domain name to pass off as one of the Complainant's subsidiary employees;
- the misspelling of the trademark SAINT-GOBAIN was intentionally designed to be confusingly similar with the Complainant's trademark;
- the disputed domain name resolves to an inactive webpage and it has been used in a phishing scheme,

All these circumstances are indicative under the Policy and as per sections 3.1.4., 3.2.1., 3.3., 3.4 of the [WIPO Overview 3.0](#) that the Respondent registered and has been using the disputed domain name in bad faith.

Further, given that the use of a domain name for per se illegitimate activity such as phishing can never confer rights or legitimate interests on a Respondent, such behavior is manifestly considered evidence of bad faith, as per section 3.1.4 of the [WIPO Overview 3.0](#).

Accordingly the Panel finds that the Complainant succeeded in establishing also the third element 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 <saint-godain.com> be transferred to the Complainant.

/Dr. Beatrice Onica Jarka/

Dr. Beatrice Onica Jarka

Sole Panelist

Date: November 29, 2023