

ADMINISTRATIVE PANEL DECISION

Compagnie de Saint-Gobain v. joseph elizabeth and jehle jakob
Case No. D2024-5097

1. The Parties

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

The Respondents are joseph elizabeth, United States of America (“US”), and jehle jakob, US.

2. The Domain Names and Registrar

The disputed domain names <saint-gobainm.com> and <ssaint-gobain.com> are registered with Gandi SAS (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 11, 2024. On December 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 12, 2024, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain names 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 December 13, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint for the disputed domain name associated with a different underlying registrant or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on December 16, 2024.

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 Respondents of the Complaint, and the proceedings commenced on December 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 9, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on January 10, 2025.

The Center appointed Eva Fiammenghi as the sole panelist in this matter on January 21, 2025. 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 multinational corporation founded in 1665, headquartered in Courbevoie, France. It specializes in the design, production, and distribution of materials and solutions for the construction and industrial markets. The Complainant operates in 75 countries and employs more than 160,000 people worldwide. It is listed on the Euronext Paris stock exchange.

The Complainant holds several trademark registrations for the trademark SAINT-GOBAIN in various jurisdictions, including the following:

- European Union trademark SAINT-GOBAIN Reg. No: 001552843, registered on December 18, 2001, in classes 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 17, 19, 20, 21, 22, 23, 24, 37, 38, 40, and 42.
- International Trademark SAINT-GOBAIN (figurative) Reg. No: 740184, registered on July 26, 2000, in classes 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 17, 19, 20, 21, 22, 23, 24, 37, 40, and 42.
- International Trademark SAINT-GOBAIN (figurative) Reg. No: 740183, registered on July 26, 2000, in classes 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 17, 19, 20, 21, 22, 23, 24, 37, 40, and 42.

The Complainant is also the owner of the domain names that include its trademark, such as <saint-gobain.com>, <saint-gobain.fr>, and <saint-gobain.net>.

The Respondent registered the following disputed domain names: <saint-gobainm.com>, registered on December 8, 2024 and <ssaint-gobain.com>, registered on December 6, 2024. Both disputed domain names are inactive and have been used in a phishing scheme.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to the registered trademark SAINT-GOBAIN, which has been extensively used and recognized worldwide in the construction and industrial materials sector.

The Complainant further asserts that the Respondents lack rights or legitimate interests in the disputed domain names, as they have no affiliation with the Complainant, have not been authorized to use its trademarks, and are not commonly known by the disputed domain names. Additionally, the Respondents have engaged in typosquatting, deliberately registering misspelled versions of the Complainant's mark to create confusion among Internet users.

Moreover, the bad faith registration and use of the disputed domain names is evidenced by their involvement in a phishing scheme, where the Respondents attempted to impersonate an employee of the Complainant to fraudulently obtain payments from third parties. The use of the deceptive domain names for such fraudulent activities further confirms that the Respondents intentionally registered these domain names to exploit the Complainant's brand reputation.

Given these factors, the Complainant requests the transfer of the disputed domain names as per paragraph 4(i) of the UDRP Policy, as the Respondents have clearly engaged in abusive registration and use of the domain names in violation of the Complainant's trademark rights.

B. Respondents

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, to succeed the Complainant must prove that:

- (i) the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondents have no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names were registered and are being used in bad faith.

These elements are discussed in turn below. In considering these elements, paragraph 15(a) of the Rules provides that the Panel shall decide the Complaint on the basis of statements and documents submitted and in accordance with the Policy, the Rules and any other rules or principles of law that the Panel deems applicable.

Consolidation: Multiple Respondents

The amended Complaint was filed against multiple nominally different domain name registrants. The Complainant alleges that the domain name registrants are either the same entity, mere alter egos of each other, or under common control. Accordingly, the Complainant requests the consolidation of the disputes against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The Respondents did not comment on the Complainant's request.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes that the disputed domain names are registered by two different individuals, joseph elizabeth and jehle jakob. Both Respondents share the same physical address in the US, which suggests a connection or a coordinated registration strategy. Moreover, the disputed domain names were registered within two days of each other (December 6 and 8, 2024) and were used in furtherance of the same fraudulent scheme impersonating a Complainant's employee, further indicating a possible link between the registrants.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in the single proceedings.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain names. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain names. The disputed domain names fully incorporate the SAINT-GOBAIN mark, with minor variations that do not prevent a finding of confusing similarity. Specifically:

- The addition of the letter "s" in <ssaint-gobain.com> is a minor typographical alteration, commonly associated with typosquatting,
- The addition of the letter "m" in <saint-gobainm.com> similarly fails to prevent a finding of confusing similarity.

Accordingly, the disputed domain names are confusingly similar to the SAINT-GOBAIN mark for the purposes of the Policy.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although 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 difficult 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 (although the burden of proof always remains on the Complainant). If the Respondent fails to come forward with such relevant evidence, the Complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names.

The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names, such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegal activity, here claimed as phishing and impersonation, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Respondent has no apparent legitimate connection to the mark SAINT-GOBAIN and is not commonly known by the disputed domain names. Furthermore, the Respondent's use of the disputed domain names for fraudulent scams underscores the lack of any legitimate interests.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent registered and used the disputed domain names in bad faith under paragraph 4(b)(iv) of the Policy.

The disputed domain names incorporate the Complainant's well-known SAINT-GOBAIN trademark with minor variations, a common tactic used in cybersquatting to deceive users into believing the domain names are affiliated with the Complainant.

The Respondent engaged in a phishing scheme, using the disputed domain names to impersonate an employee of the Complainant and attempt to fraudulently obtain payments. The deceptive nature of the Respondent's use of the disputed domain names demonstrates bad faith intent to mislead customers and exploit the Complainant's reputation.

The Respondent has used the disputed domain names for illegal activity, specifically impersonation and phishing, by sending fraudulent emails soliciting payment to unsuspecting individuals under the guise of the Complainant's identity. [WIPO Overview 3.0](#), section 3.4. Such illegal activity constitutes bad faith use and registration of the domain names.

The fact that the Respondent did not respond to the Complaint further supports this finding of bad faith.

The Panel finds that the Complainant has established 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 names <saint-gobainm.com> and <ssaint-gobain.com> be transferred to the Complainant.

/Eva Fiammenghi/

Eva Fiammenghi

Sole Panelist

Date: February 4, 2025