

ADMINISTRATIVE PANEL DECISION

Compagnie de Saint-Gobain v. George Mark
Case No. D2025-1238

1. The Parties

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

The Respondent is George Mark, United States of America.

2. The Domain Name and Registrar

The disputed domain name <saint-gobain-surfacesolutions.org> 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 March 26, 2025. On March 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 29, 2025, 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 March 31, 2025, 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 March 31, 2025.

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 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 21, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 22, 2025.

The Center appointed Uwa Ohiku as the sole panelist in this matter on April 30, 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, Compagnie de Saint-Gobain (Saint-Gobain), is a French company specialized in the production, manufacturing, processing and distribution of materials and services for the construction and industrial markets. Though its French roots run deep, the company has succeeded in building an international brand on every continent and now has a presence in 80 countries. It employs more than 116,000 staff and its published turnover for 2024 was EUR 46.6 billion.

Its history is traced back to more than 350 years and among other subsidiaries, the company owns Saint-Gobain Surface Solutions, itself a global business that provides surface solutions and boasts of 75 plants, over 11,000 employees and manufacturing sites in 27 countries.

The Complainant owns trademark registrations in several jurisdictions including the following:

TRADEMARK	JURISDICTION	REGISTRATION NUMBER	REGISTRATION DATE	INTERNATIONAL CLASS
SAINT-GOBAIN	European Union Trademark	001552843	December 18, 2001	1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 17, 19, 20, 21, 22, 23, 24, 37, 38, 40, 42
SAINT-GOBAIN	International trademark	740184	July 26, 2000	1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 17, 19, 20, 21, 22, 23, 24, 37, 38, 40, 42
SAINT-GOBAIN	International trademark	740183	July 26, 2000	1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 17, 19, 20, 21, 22, 23, 24, 37, 38, 40, 42

The Complainant holds several domain names containing the trademark SAINT-GOBAIN, among them <saint-gobain.com> registered on December 29, 1995, and <saint-gobain-surfacesolutions.com> registered on July 20, 2023. SAINT-GOBAIN is also commonly used to designate the company name of the Complainant.

Previous Panels have held that the Complainant's mark SAINT-GOBAIN is well-known and well-established.

The Respondent did not file a Response to the Complaint.

The disputed domain name <saint-gobain-surfacesolutions.org> was registered on March 19, 2025.

According to the evidence submitted with the Complaint, the disputed domain name <saint-gobain-surfacesolutions.org> redirected to a website "www.bwdesigngroup.org". At the date of this decision the disputed domain name resolves to a page indicating as follows: "Domain Not Claimed. This domain has been mapped to Squarespace, but it has not yet been claimed by a website. If this is your domain, claim it in the Domains tab of your Website Manager".

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 name.

Notably, the Complainant contends as follows:

Identical or Confusingly Similar

The Complainant contends that the disputed domain name <saint-gobain-surfacesolutions.org> is confusingly similar to the trademark SAINT-GOBAIN and the associated domain names in which the Complainant has rights. The Complainant also contends that the disputed domain name incorporates its trademark SAINT-GOBAIN in its entirety.

The Complainant asserts that the addition of the trademark terms "surface" and "solutions" to the disputed domain name is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark SAINT-GOBAIN, but reinforces the risk of confusion as it refers to the Complainant's subsidiary Saint-Gobain Surface Solutions.

The Complainant further contends that the addition of the generic Top-Level Domain ("gTLD") ".org" does not change the overall impression of the designation as being connected to the trademark SAINT-GOBAIN and does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark SAINT-GOBAIN and its domain names.

No Rights or Legitimate Interests

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name <saint-gobain-surfacesolutions.org>. The Complainant asserts that the Respondent is not identified in the WhoIs database as the disputed domain name and that the Respondent is not affiliated with, nor authorized by the Complainant in any way. The Complainant further contends that the Respondent does not carry out any activity for, nor has any business with the Complainant and no license or 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.

The Complainant further contends that the Respondent has used the disputed domain name in a phishing scheme by writing in the name of Saint-Gobain Limited, to pass itself off as one of the Complainant's employees and using the address of the Complainant's subsidiary Saint-Gobain North America.

Registered and Used in Bad Faith

The Complainant submits that the Respondent registered and is using the disputed domain name in bad faith. The Complainant contends that its trademark SAINT-GOBAIN was already extensively being used worldwide well before the disputed domain name <saint-gobain-surfacesolutions.org> was registered on March 19, 2025. The Complainant also asserts that its trademark SAINT-GOBAIN has a well-known character worldwide and has a long-standing worldwide operating website under the <saint-gobain.com> domain name, and that the Respondent was aware of the prior rights and extensive use of the trademark SAINT-GOBAIN by the Complainant.

The Complainant further asserts that the Respondent has used the disputed domain name in a phishing scheme, writing in the name of Saint Gobain Limited and using the address of the Complainant's subsidiary Saint-Gobain North America in an attempt to pass off as one of the Complainant's employees, in order to receive a quotation.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of The Rules instructs the Panel as to the principles the Panel is to use in determining the dispute as follows: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable."

According to paragraph 4(a) of the Policy, in order to succeed in a Complaint, the 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

The Respondent did not reply to the Complainant's contentions. In order to determine whether the Complainant has met its burden as stated in paragraph 4(a) of the Policy, the Panel bases its decision on the statements and documents submitted in accordance with the Policy and the Rules.

Further, under paragraph 5(f) of the Rules, if a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint, and under paragraph 14(b) of the Rules, if a Party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under the Rules, the Panel shall draw such inferences therefrom as it considers appropriate.

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 name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7. The test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. While each case is judged on its merits, where a domain name incorporates the entirety of a trademark (as in this case), or where the dominant feature of the mark is recognizable in the domain name, a finding of confusing similarity will normally be reached.

The Complainant has shown rights in respect of the SAINT-GOBAIN trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the entirety of the trademark SAINT-GOBAIN is reproduced within the disputed domain name <saint-gobain-surfacesolutions.org>. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Moreover, the addition of TLDs in a domain name is viewed as a standard registration requirement and as such is typically disregarded for purposes of determining whether domain names are identical or confusingly similar. [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that 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 name.

The Panel notes that there is no evidence that the Respondent, whether as an individual, business or other organization, is commonly known under the SAINT-GOBAIN trademark. The Panel further notes that neither license nor authorization appear to have been granted to the Respondent to make any use of the Complainant’s SAINT-GOBAIN trademark or to apply for the disputed domain name, by the Complainant.

The record shows that the disputed domain name <saint-gobain-surfacesolutions.org> redirected to another website “www.bwdesigngroup.org”. The record also shows that the Respondent attempted to pass itself off as one of the Complainant’s employees in a phishing scheme, writing in the name of Saint-Gobain Limited, and using the address of the Complainant’s subsidiary Saint-Gobain North America.

Panels have held that the use of a domain name for illegal activity, such as phishing and passing-off / impersonation, as applicable to this case, or other types of fraud, can never confer rights or legitimate interests on a Respondent. [WIPO Overview 3.0](#), section 2.13.1

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 name such as those enumerated in the Policy or otherwise.

Based on the record, the Panel finds that the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant’s mark.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of the disputed domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1

In the present case, the Panel notes that the Complainant ascertained its rights over the SAINT-GOBAIN trademarks in several jurisdictions. The dates of registration of the Complainant’s trademarks and domain names significantly precede the date of registration of the disputed domain name. The Complainant has

established the second element under paragraph 4(a) showing clear absence of rights or legitimate interests in the disputed domain name by the Respondent, which the Respondent did not rebut. The Respondent did not provide any credible explanation for its choice of domain name and the Complainant's trademark SAINT-GOBAIN is completely reproduced in the disputed domain name.

Moreover, the record shows that the disputed domain <saint-gobain-surfacesolutions.org> was redirecting to the website "www.bwdesigngroup.org" and the Respondent had impersonated an employee of the Complainant via a phishing scheme, using the address of the Complainant's North American subsidiary. The deceptive nature of the Respondent's use of the disputed domain name demonstrates bad faith with intent to mislead and to exploit the Complainant's reputation. Panels have held that the use of a domain name for illegal activity, in this case, impersonation/passing off, phishing, or other types of fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitute bad faith under the Policy.

Based on the available record, 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 name <saint-gobain-surfacesolutions.org> be transferred to the Complainant.

/Uwa Ohiku/

Uwa Ohiku

Sole Panelist

Date: May 14, 2025