Panel Decision for dispute CAC-ADREU-008810

Case number	CAC-ADREU-008810
Time of filing	2025-09-28 16:55:19
Domain names	groupe-samse.eu

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	SAMSE

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Arthur Renaudin

INSERT INFORMATION ABOUT OTHER LEGAL PROCEEDINGS THE PANEL IS AWARE OF WHICH ARE PENDING OR DECIDED AND WHICH RELATE TO THE DISPUTED DOMAIN NAME

The Panel is not aware of any proceedings which would be pending and which would relate to the disputed domain name <groupe-samse.eu> (the "Disputed Domain Name").

FACTUAL BACKGROUND

The Complainant is a building materials distribution group founded in 1920.

The Complainant is the owner of the following trademarks (hereinafter the "Trademarks"):

- French semi-figurative trademark "SAMSE" n° 1688226 registered on August 20, 1991;
- French semi-figurative trademark "Groupe SAMSE" n° 4338992 registered on February 17, 2017.

The Complainant also owns domain names with the distinctive wording “SAMSE”, such as the domain name <groupe-samse.fr> registered on June 13, 2005.

The Disputed Domain Name was registered on February 10, 2025 and redirects to the Complainant’s official website. The Disputed Domain Name has also been used for phishing scheme.

A. COMPLAINANT

The Complainant contends as follows:

1. **The Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights**

The Complainant states that the Disputed Domain Name is confusingly similar to its Trademarks and associated domain names. Indeed, the trademark SAMSE is identically contained in its entirety. Furthermore, the addition of French term “GROUPE” (“Group”) does not change the overall impression of the designations as being connected to the trademark.

The Complainant contends that the addition of the Cctld “.EU” does not change the overall impression of the designation as being connected to

the trademark BOURSOBANK. It does not prevent the likelihood of confusion between the Disputed Domain Name and the Complainant, its trademark and its domain names associated (WIPO Case No. D2006-0451, F. Hoffmann-La Roche AG v. Macalve e-dominios S.A. : “It is also well established that the specific top level of a domain name such as “.com”, “.org” or “.net” does not affect the domain name for the purpose of determining whether it is identical or confusingly similar.”).

Thus, the Disputed Domain Name is confusingly similar to the Complainant's trademark.

2. **The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name**

According to the WIPO Case No. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd., the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a) (ii) of the Policy.

The Complainant asserts that the Respondent is not known as the Disputed Domain Name. Past panels have held that a Respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name (Forum Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group <bobsfromsketchers.com>: “Here, the WHOIS information of record identifies Respondent as “Chad Moston / Elite Media Group.” The Panel therefore finds under Policy ¶ 4(c)(ii) that Respondent is not commonly known by the disputed domain name under Policy ¶ 4(c)(ii).”).

The Respondent is not known by the Complainant. The Complainant contends that the Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant contends that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. 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, or apply for registration of the Disputed Domain Name.

The Disputed Domain Name redirects to the Complainant’s website. Furthermore, the Disputed Domain Name has been used for phishing scheme (see DaVita Inc. v. Cynthia Rochelo, FA 1738034, Forum July 20, 2017: “a phishing scheme is not considered a bona fide offering of goods or services or legitimate noncommercial or fair use.”).

Accordingly, Respondent has no rights or legitimate interests on the Disputed Domain Name.

The Disputed Domain Name includes the trademark SAMSE in its entirety;

The Complainant contends that the Respondent was aware of the Complainant's trademark at the time of registration for the following reasons:

- The Disputed Domain Name includes the trademark SAMSE in its entirety;
- The addition of generic term “Group” reinforces the likelihood of confusion with the Complainant;
- The Disputed Domain Name redirects to the Complainant’s official website.

Finally, the Disputed Domain Name was used for phishing activity. Registering a domain name for the purposes of phishing is bad faith registration and use within the Policy 4(a)(iii). See Klabzuba Oil & Gas, Inc. v. LAKHPAT SINGH BHANDARI, FA 1506001625750 (Forum July 17, 2015).

On these bases, the Complainant concludes that the Respondent has registered and is using the Disputed Domain Name in bad faith.

B. RESPONDENT

The Respondent did not submit a response by the required deadline.

DISCUSSION AND FINDINGS

According to provisions of article 4, §4 of the EU Regulation 2019/517 (herinafter the "Regulation"):

"A domain name may also be revoked, and where necessary subsequently transferred to another party, following an appropriate ADR or judicial procedure, in accordance with the principles and procedures on the functioning of the .eu TLD laid down pursuant to Article 11, where that name is identical or confusingly similar to a name in respect of which a right is established by Union or national law, and where it:

(a) has been registered by its holder without rights or legitimate interest in the name; or

(b) has been registered or is being used in bad faith".

It is therefore for the Panel to assess, in light of the facts presented and the arguments put forward by the parties, whether the conditions for the application of Article 4, §4 of the Regulation are met in order to decide whether or not the Disputed Domain Name should be transferred to the Complainant.

I. THE DISPUTED DOMAIN NAME IS IDENTICAL TO OR LIKELY TO BE CONFUSED WITH A NAME ON WHICH A RIGHT IS RECOGNIZED OR ESTABLISHED BY UNION LAW OR NATIONAL LAW.

In view of the evidence produced by the Complainant, there is no doubt that the Disputed Domain Name is likely to be confused with the sign “GROUPE SAMSE”, for which a trademark right is established under EU law (French trademark "Groupe SAMSE" n° 4338992 registered on February 17th, 2017) within the meaning of Article 4, §4 of the Regulations:

- on the one hand, the registration by the Respondent of the Disputed Domain Name, which differs from the Complainant's trademark and domain name by the insertion of a hyphen between the terms “groupe” and “samse,” is characteristic of a practice of typosquatting;
- on the other hand, the addition of the suffix “.eu” after the Complainant's trademark does not affect the assessment of the likelihood of confusion for the purpose of determining whether the second-level domain names registered by the Respondent are identical or similar to the Complainant's rights.

The Panel therefore finds that the Complainant has provided evidence that the Disputed Domain Name is likely to be confused with the trademarks relied upon in support of its complaint and that the condition set forth in paragraph B(11)(d)(1)(i) of the ADR Rules is satisfied.

II. THE DISPUTED DOMAIN NAME WAS REGISTERED WITHOUT THE REGISTRANT HAVING ANY RIGHT OR LEGITIMATE INTEREST IN THE NAME

Under paragraph B(11)(e) of the ADR Rules, proof of the Complainant's rights to the disputed domain name or its legitimate interest therein for the purposes of paragraph B(11)(d)(1)(ii) may be established, in particular, by one of the following circumstances:

- Prior to notification of the dispute, the Respondent has used the domain name or a name corresponding to the domain name in connection with an offer of goods or services, or demonstrates that it has made preparations to do so;

- The Respondent, whether a legal entity, organization, or natural person, is generally known by that domain name, even if there is no recognized or established right under national law and/or European Union law in relation to the domain name concerned;

- The Respondent uses the domain name legitimately and for non-commercial and fair purposes, without the aim of misleading consumers or damaging the reputation of the name to which a right recognized or established by national law and/or European Union law applies.

Where the Complainant establishes a prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name, the burden of proof on this point is reversed and it is for the Respondent to provide relevant evidence demonstrating a right or legitimate interest in the Disputed Domain Names. If the Respondent fails to provide such relevant evidence, the Complainant is deemed to have satisfied the second element.

In view of the documents submitted to the Panel, the Complainant establishes that the Respondent has no rights or legitimate interests in the Disputed Domain Name. Since the Respondent has waived its right to defend itself and has not asserted the existence of legitimate use of the Disputed Domain Name, the Panel can only conclude that the second condition of paragraph B(11)(d)(1) of the ADR Rules has been satisfied.

The Panel therefore considers that the Respondent registered the Disputed Domain Name without any rights or legitimate interests in it.

III. THE DISPUTED DOMAIN NAME WAS REGISTERED OR USED IN BAD FAITH

Furthermore, it appears from the documents submitted for consideration that the Disputed Domain Name redirects to the Complainant’s official website and that the Respondent has not demonstrated any activity relating to the Disputed Domain Name, which constitutes use in bad faith.

Furthermore, the phishing attempt made using the Disputed Domain Name undoubtedly constitutes proven bad faith use (see CAC-ADREU-008616, <auto-distribution.eu>, OMPI DEU2023-0006, <auchan-order.eu>).

The Panel therefore finds that the Complainant has provided evidence that the Disputed Domain Name was registered in bad faith by the Respondent and that the conditions of paragraph B(11)(d)(1)(iii) of the ADR Rules are satisfied.

Since the Complainant is a French company, registered with the Grenoble Trade and Companies Register under number 056 502 248 and whose registered office is located at 2, rue Raymond Pitet, 38100 Grenoble, France, which meets the eligibility requirement set forth in Article 4, §6 of the Rules, the Disputed Domain Name is transferred to the Complainant.

DECISION

For all the foregoing reasons, in accordance with Paragraphs B12 (b) and (c) of the Rules, the Panel orders that the Disputed Domain Name <groupe-samse.eu> be transferred to the Complainant.

PANELISTS

Name	Frédéric Sardain

DATE OF PANEL DECISION 2025-09-28

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: <groupe-samse.eu>

II. Country of the Complainant: France, country of the Respondent: France

III. Date of registration of the domain name: February 10, 2025

IV. Rights relied on by the Complainant (B(11)(f) ADR Rules) on which the Panel based its decision:

1. French semi-figurative trademark "SAMSE" n° 1688226 registered on August 20, 1991;
2. French semi-figurative trademark "Groupe SAMSE" n° 4338992 registered on February 17, 2017.

V. Response submitted: No

VI. Domain name confusingly similar to the protected right/s of the Complainant

VII. Rights or legitimate interests of the Respondent (B(11)(f) ADR Rules):
1. No
2. Why: Complainant establishes prima facie the absence of rights and legitimate interests of Respondent in the Disputed Domain Name. Respondent has no trademark or other rights and does not have authorization to use the "SAMSE" or "GROUPE SAMSE" trademark. The Panel concludes that Respondent has no rights or legitimate interests in the Disputed Domain Name.

VIII. Bad faith of the Respondent (B(11)(e) ADR Rules):
1. Yes

2. Why: The Disputed Domain Name redirects to the Complainant's official website and the Respondent has not demonstrated any activity relating to the Disputed Domain Name, which constitutes use in bad faith. Additionally, a phishing attempt has been made using the Disputed Domain Name.

IX. Other substantial facts the Panel considers relevant: N/A

X. Dispute Result: Transfer of the Disputed Domain Name

XI. Procedural factors the Panel considers relevant: N/A

XII. Is Complainant eligible? Yes