

Decision for dispute CAC-UDRP-103799

Case number CAC-UDRP-103799

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Domain names bouygestravaux.com

Case administrator

Organization Denisa Bilík (CAC) (Case admin)

Complainant

Organization BOUYGUES

Complainant representative

Organization Nameshield (Laurent Becker)

Respondent

Name Amsallem James Joses

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several trademark registrations, inter alia International registration no. 390771 BOUYGUES <fig.>, registered on September 1, 1972, for various goods and services in classes 06, 19, 37, and 42 (hereinafter referred to as the "Trademark").

FACTUAL BACKGROUND

The Complainant is a diversified group of industrial companies doing business in the fields of construction, telecoms, and media. The Complainant was founded in 1952 and today operates in nearly 90 countries with a net profit attributable to the Group amounted to 696 million euros. The Complainant provides information on its goods and services online inter alia at <bouygues.com>.

The disputed domain name was registered on June 3, 2021, and is used to redirect Internet users to the website available at <https://www.bouygues-tp.com/>, where the Complainant provides information on its business in the field of public works (meaning "travaux publics" in French).

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant contends that the disputed domain name is confusingly similar to the Trademark. The Complainant argues that the disputed domain name includes the Trademark in its entirety and that the addition of the French term "Travaux" (meaning "Construction" in English) is merely generic and not sufficient to avoid a finding of confusing similarity.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant argues that the Respondent is not commonly known by the disputed domain name, that the Respondent is not affiliated with nor authorized by the Complainant in any way, that the Complainant does not carry out any activity for, nor has any business with the Respondent, and that the Respondent's use of the disputed domain name does not lead to any rights or legitimate interests in the disputed domain name either.

Finally, the Complainant states that the disputed domain name was registered and is being used in bad faith. In this regard, the Complainant contends that the Trademark is well-known and distinctive and that it is reasonable to infer that the Respondent, which is from France, has registered and used the domain name with full knowledge of the Trademark. The Complainant also states that the Respondent is using the disputed domain name to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent or of a product or service on the Respondent's website.

RESPONDENT:

The Respondent contends that the Complainant failed to meet the standard of proof.

The Respondent further argues that the disputed domain name "is completely different from the organization called Bouyges TP", that the disputed domain name has been registered for future use, and that the Respondent was nicknamed "Bouyges" by its worksite colleagues which inspired it to add this name to the name of its company in creation.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

(i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and

(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.

1. The Panel accepts that the disputed domain name is confusingly similar to the Trademark as it fully incorporates the well-established Trademark despite the letter "U" in the middle of the second-level domain name. In addition, the additional term "travaux" is merely generic, refers to a part of the Complainant's business and rather strengthens the similarity between the Trademark and the disputed domain name.

2. The Complainant has substantiated that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent argued that the disputed domain name includes its nickname and has been registered for future use. However, the Respondent has not provided any evidence for its allegations and has not even begun to explain the reason for which the disputed domain name is redirected to one of the Complainant's websites. Therefore, the Panel finds that the Respondent failed to prove any rights or legitimate interests in the disputed domain name.

3.1 The Panel is also satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademark as the Trademark is highly distinctive and as the Respondent used the disputed domain name to forward Internet users to one of the Complainant's websites.

3.2 As to bad faith use, by using the disputed domain name to forward Internet users to one of the Complainant's websites, the Respondent was, in all likelihood, trying to divert traffic intended for the Complainant's website to its own for commercial gain as set out under paragraph 4(b)(iv) of the Policy.

4. For the sake of completeness, the Panel notes that the Complainant met the standard of proof under the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **BOUYGESTRAVAUX.COM**: Transferred

PANELLISTS

Name **Peter Müller**

DATE OF PANEL DECISION **2021-06-17**

Publish the Decision