

Decision for dispute CAC-UDRP-105858

Case number	CAC-UDRP-105858
Time of filing	2023-10-09 09:54:38
Domain names	bouyguesinternational.com

Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	BOUYGUES
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Name	Remi Renzel
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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 owns several trademark registrations across various jurisdictions, inter alia the international trademark No. 390771 "BOUYGUES", registered since September 1, 1972 and the French trademark No. 1197244 " BOUYGUES", registered since March 4, 1982 (hereinafter referred to as the "Trademark").

FACTUAL BACKGROUND

The Complainant, BOUYGUES S.A., was founded by Francis Bouygues in 1952 and is a diversified group of industrial companies. The Complainant is active mainly in the sectors of construction, telecoms and media.

The Complainant also provides information on its services online inter alia at <bouygues.com>, registered since December 31, 1999.

The disputed domain name <bouyguesinternational.com> was registered on July 31, 2023 and resolves to a parking page with pay-per click links ("PPC").

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant contends that the disputed domain name is confusingly similar to the Trademark.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. In this regard, the Complainant states that the Respondent is not commonly known by the disputed domain name, that it 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 neither license nor authorization has been granted to the Respondent to make any use of the Trademark or apply for registration of the disputed domain name by the Complainant.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. It contends that the Respondent must have been aware of the Complainant and its well-known Trademark at the time of registration of the disputed domain name and that the Respondent's use of the website by having a PPC website is evidence of bad faith.

RESPONDENT:

No administratively compliant Response has been filed.

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 it. It is well established that a domain name that wholly incorporates a trademark may be confusingly similar to such trademark for purposes of the Policy despite the addition of generic terms, such as "international" in this case. Furthermore, it is also well established that the specific top level of a domain name such as ".com", ".org" or ".net" etc. does not affect the domain name for the purpose of determining whether it is identical or confusingly similar.

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 did not deny these assertions in any way and therefore failed to prove any rights or legitimate interests in the disputed domain name.

3.1 The Panel is 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 well-established.

3.2 Furthermore, the Panel accepts the Complainant's contentions that the disputed domain name has been used in bad faith as Respondent has used the disputed domain name to direct internet visitors to a PPC parking page featuring commercial links and a link indicating that the disputed domain name is for sale, intentionally creating a likelihood of confusion with Complainant's Trademark for Respondent's financial gain.

Based on the confusing similarity between the disputed domain name and the Trademark, the use of the disputed domain name to advertise commercial even competitive services (in the telecoms and media sector), and Respondent's failure to respond to the Complaint, the Panel is convinced that the disputed domain name was registered and is being used in bad faith, pursuant to paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **bouyguesinternational.com**: Transferred

PANELLISTS

Name	Stefania-Despoina Efstathiou LL.M. mult.
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DATE OF PANEL DECISION 2023-11-15

Publish the Decision
