

Decision for dispute CAC-UDRP-105853

Case number	CAC-UDRP-105853
Time of filing	2023-10-09 09:56:02
Domain names	bouygue-constructions.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	Ian Williams
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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 is the owner of several trademarks bearing "BOUYGUES" and "BOUYGUES CONSTRUCTION":

- International trademark BOUYGUES Reg. No. 390771 registered since September 1, 1972;
- French trademark BOUYGUES Reg. No. 1197244 registered since March 4, 1982;
- International trademark BOUYGUES CONSTRUCTION Reg. No. 732339 registered since April 13, 2000.

The Complainant also owns, through its subsidiary, a number of domain names including the same distinctive wording BOUYGUES such as <bouygues-construction.com>, registered since May 10, 1999.

FACTUAL BACKGROUND

Founded by Francis Bouygues in 1952, the Complainant is a diversified group of industrial companies structured by a strong corporate culture. Its businesses are centered on three sectors of activity: construction, with Bouygues Construction, Bouygues Immobilier, and Colas; and telecoms and media, with French TV channel TF1 and Bouygues Telecom. Operating in over 80 countries, the Complainant's net profit attributable to the Group amounted to 696 million euros.

The disputed domain name <bouygue-constructions.com> was registered on July 31, 2023 and resolves to a parking page with commercial links.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

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

As the Respondent did not file an administratively compliant Response, pursuant to paragraph 14(b) of the Rules, the Panel may draw such inferences therefrom as it considers appropriate. Thus, the Panel accepts the contentions of the Complainant as admitted by the Respondent.

1. The disputed domain name is confusingly similar to the trademark "BOUYGUES CONSTRUCTION" of the Complainant.

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

The disputed domain name consists exclusively of the Complainant's registered trade mark BOUYGUES CONSTRUCTION, with the exception that the last "s" in BOUYGUES is missing and an "s" has been added as the last letter in CONSTRUCTION. In addition, a hyphen has been inserted between BOUYGUES and CONSTRUCTIONS. It is found that the disputed domain name is an obvious, intentional misspelling of the BOUYGUES CONSTRUCTION mark. In previous decisions, the addition or omission of a single letter

has often been considered "typosquatting" (see Groupe ADEO v. Privacy Service Provided by Withheld for Privacy ehf v. Ivan Urgant, WIPO Case No. D2022-0828; and Christian Dior Couture v. Dior Interiors, Zion Segev, WIPO Case No. D2009-1431). The absence of the "s" in the first word and the addition of an "s" in the last word does not preclude a finding that the disputed domain name is confusingly similar to the Complainant's trade mark BOUYGUES CONSTRUCTION.

Furthermore, the addition of the gTLD suffix ".com" is not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademark and does not change the overall impression of the designation as being connected to the trademark of the Complainant.

2. The Respondent has no rights or legitimate interests in respect of the disputed domain name within the meaning of the Policy.

The Complainant has established a prima facie proof that the Respondent has no rights or legitimate interests in the disputed domain name, since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to use its trademark in a domain name.

Also, the disputed domain name at stake does not correspond to the name of the Respondent, nor he is not commonly known as "Bouygue-Constructions".

Summarised, there is no evidence for a use of the disputed domain name for any bona fide offer of goods or services or a legitimate non-commercial or fair use.

In addition, the disputed domain name points to a parking page. This passive holding of the domain indicates that the Respondent lacks rights and legitimate interests in the disputed domain name.

3. The disputed domain name has been registered and is being used in bad faith within the meaning of the Policy.

It should be noted that the date of registration of the disputed domain name was many years later than the date of registration of the Complainant's trademark. The trademark BOUYGUES CONSTRUCTION was registered in 2000 and the disputed domain name in 2023. The trademark is widely known. Given the distinctiveness of the Complainant's mark and its reputation, it can be concluded that the Respondent registered and uses the disputed domain name with full knowledge of the Complainant's trademark. No legitimate kinds of use of the disputed domain name by the Respondent are at hand.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **bouygue-constructions.com**: Transferred

PANELLISTS

Name	Dominik Eickemeier
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DATE OF PANEL DECISION 2023-11-16

Publish the Decision
