Decision for dispute CAC-UDRP-107640

Case number	CAC-UDRP-107640
Time of filing	2025-06-04 11:40:46
Domain names	bouyguescontructionsuk.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	BOUYGUES

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	AUGUSTIN DION

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, inter alia, a registered owner of the following trademarks containing the word element " BOUYGUES CONSTRUCTION”:

(i) BOUYGUES CONSTRUCTION (word), International (WIPO) trademark, registration date 13 April 2000, trademark registration no. 732339, registered for services in the int. class 37;

(ii) BOUYGUES CONSTRUCTION (word), EU trademark, filing (priority) date 4 April 2000, registration date 16 May 2001, trademark no. 001589159, registered for services in the int. class 37;

besides other national, EU and International (WIPO) trademarks consisting of the "BOUYGUES" or “BOUYGUES CONSTRUCTION” denomination.

(Collectively referred to as "Complainant's trademarks").

The word element "BOUYGUES " is also a part of the Complainant's registered company name BOUYGUES S.A. and various other companies affiliated with the Complainant.

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

FACTUAL BACKGROUND

The Complainant (BOUYGUES S.A.) was founded by Francis Bouygues in 1952 and it is a diversified group of industrial companies structured by a strong corporate culture. Its businesses are centred on three sectors of activity: construction (Bouygues Construction, Bouygues Immobilier), telecoms (Bouygues Telecom) and media (French TV channel TF1 and Bouygues Telecom). Operating in over 80 countries, the Complainant's net profit attributable to the group amounted to 1,125 million euros.

Its subsidiary BOUYGUES CONSTRUCTION is a world player in the fields of building, public works, energy, and services.

The disputed domain name < bouyguescontructionsuk.com > was registered on 29 May 2025 and is held by the Respondent.

The domain name website (i.e. website to which the disputed domain name resolves) is merely parked, has no content and it is inactive. However, based on the DNS query it is apparent that the MX servers have been configured for the disputed domain name. This indicates that he disputed domain name is capable of being used for e-mail purposes.

PARTIES CONTENTIONS

COMPLAINANT:

A) CONFUSING SIMILARITY

The Complainant states that:

- The disputed domain name contains the distinctive "BOUYGUES CONSTRUCTION" word elements, and it is thus confusingly similar to the Complainant's trademarks.
- The deletion of the letter "S" in the term "CONSTRUCTION", the addition of the letter "S" at the end of the term to form a word "CONTRUCTIONS" (i.e. making it plural in English) and also addition of a geographical term "UK" for "United Kingdom, are not sufficient to escape the finding that the disputed domain name is confusingly similar to the Complainant's trademarks, as it does not prevent the likelihood of confusion between the disputed domain name and the Complainant, the Complainant's trademarks and its business.
- On the contrary, such geographical indication may further mislead the consumers because the Complainant also has business activities in the United Kingdom.
- Thus, according to the Complainant the confusing similarity between the Complainant's trademarks and the disputed domain name is clearly established.

B) NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant states that:

- The Respondent has not been commonly known by the disputed domain name.
- The Complainant has not authorized, permitted or licensed the Respondent to use Complainant's trademarks in any manner
- Furthermore, the domain name website has been inactive, which implies that there is no Respondent's intention to use the disputed domain name for legitimate purposes.

C) BAD FAITH REGISTRATION AND USE

The Complainant states that:

- The Complainant's trademarks pre-dates the registration of the disputed domain name and the Respondent has never been authorized by the Complainant to register it.
- The Complainant's trademarks enjoy the status of well-known trademarks and the Respondent must have been aware of their existence while registering the disputed domain name.
- The purpose of the use and registration of the disputed domain has been, inter alia, an intentional attempt to attract, for commercial gain, companies by creating a likelihood of confusion with the Complainant's trademarks and its company name.
- The disputed domain name does not resolve to any genuine content, which constitutes passive holding. Registration and passive holding of a domain name, which has no other legitimate use and clearly refers to the Complainant's trademark, may constitute registration and use in bad faith.
- Finally, the disputed domain name has been set up with MX records, which suggests that it may be actively used for email purposes. This is also indicative of bad faith registration and use because any email emanating from the disputed domain name could not be used for any good faith purpose.

RESPONDENT:

The Respondent has not provided any response to the complaint.

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

A) RIGHTS

The disputed domain name and the Complainant's trademarks are nearly identical, as both fully incorporate the words "BOUYGUES CONSTRUCTION." However, in the disputed domain name, the generic term "CONSTRUCTION" from the Complainant's trademark is altered to "CONTRUCTIONS."

Since the disputed domain name and the Complainant's trademarks are not completely identical, the key question for the Panel is whether the disputed domain name—which (i) also includes the term "UK" and (ii) features the modification of "CONSTRUCTION" to "CONTRUCTIONS"—is confusingly similar to the Complainant's trademarks.

The threshold test for confusing similarity under the UDRP requires comparing the trademark and the disputed domain name to determine the likelihood of confusion among Internet users. To satisfy this test, the relevant trademark must generally be recognizable within the disputed domain name. The addition of common, dictionary, generic, or other descriptive terms typically does not prevent the existence of confusion at this threshold. The UDRP's confusing similarity test involves a straightforward visual and aural comparison of the trademark and the domain name.

Applying these principles, the Panel finds that the incorporation of the dominant "BOUYGUES" element from the Complainant's trademarks—which is highly distinctive—into the disputed domain name creates a confusing similarity with the Complainant's trademark.

The addition of a non-distinctive element, such as the geographic suffix "UK," does not prevent Internet consumers from associating the disputed domain name with the Complainant's trademarks. Therefore, the likelihood of confusion still exists. On the contrary, this may reinforce the misleading impression that the disputed domain name is connected to the Complainant's business, for example, in the United Kingdom.

Also, the misspelled and modified term "CONTRUCTIONS" remains confusingly similar to "CONSTRUCTION" as it appears in the Complainant's trademarks. However, both terms are non-distinctive elements within the overall context of the Complainant's trademarks and the domain name, and thus play only a limited role in the similarity assessment. The key element establishing confusing similarity is the distinctive term "BOUYGUES."

For completeness, the Panel notes that the top-level suffix in the disputed domain name (i.e., ".com") must be disregarded when assessing identity and confusing similarity, as it is a technical requirement for registration.

Accordingly, the Panel finds that there is sufficient similarity in this case and concludes that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B) NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant's assertions that the Respondent is not commonly known by the disputed domain name and is neither affiliated with nor authorized by the Complainant are sufficient to establish a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

In addition, given that (i) the disputed domain name has not been used in connection with any genuine offering and (ii) the Respondent has not submitted any response, the Panel finds no indication that the disputed domain name was intended to be used for a bona fide offering of goods or services, as required by the UDRP.

Consequently, the evidentiary burden shifts to the Respondent to demonstrate—by way of concrete evidence—that it possesses rights or legitimate interests in the disputed domain name. However, the Respondent has failed to provide any information or evidence regarding such rights or legitimate interests as required under paragraph 4(a)(ii) of the Policy.

C) BAD FAITH

The Panel finds it grounded that the Respondent registered and used the disputed domain name in bad faith.

The Respondent has not used the disputed domain name in any genuine manner, however, the Panel concludes (as it has been ruled in many similar cases, as for example Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003, <telstra.org>, Jupiters Limited v. Aaron Hall, WIPO Case No. D2000-0574, <jupiterscasino.com>, Ladbroke Group Plc v. Sonoma International LDC, WIPO Case No. D2002-0131, <ladbrokespoker.com>) that the apparent lack of so-called active use (e.g., to resolve to a website) of the domain name(s) without any active attempt to sell or to contact the trademark holder (passive holding), does not as such prevent a finding of bad faith.

Examples of what may be cumulative circumstances found to be indicative of bad faith include cases in which (i) the Complainant has a well-known trademark and (ii) there is no genuine use (e.g. a mere "parking") of the disputed domain name by the Respondent.

The Respondent has not been using the disputed domain name and it remains merely "parked"; also the Panel concludes that the Complainant's Trademarks enjoy status of well-known trademarks. Consequently, both conditions for finding of the bad faith under the case law above are duly met.

Based upon the concepts above, which the Panel finds satisfied in this case, even though there is no real use of the dispute domain name, the Panel contends, on the balance of probabilities, that the disputed domain name has been registered and is being used (held) by the Respondent in bad faith.

In addition, it is clear that by altering the word "CONSTRUCTION" to "CONTRUCTIONS" in the disputed domain name—by swapping the letter "s"—the Respondent intentionally sought to target Internet users who incorrectly type a website address into their web browser. This practice is widely recognized as "typosquatting," which is an illicit activity.

Typosquatting may serve several malicious purposes, including but not limited to:

- attempting to sell the disputed domain name back to the Complainant;
- monetizing the disputed domain name through advertising revenue derived from direct navigation misspellings of the intended domain;
- redirecting typo-traffic to a competitor of the Complainant;
- engaging in phishing schemes by mimicking the Complainant's website in order to intercept passwords or other sensitive information input by unsuspecting visitors;
- installing drive-by malware or revenue-generating adware on visitors' devices; or
- harvesting misaddressed email messages that are mistakenly sent to the typo domain.

All of the activities described above are considered to be malicious.

Simply configuring or using email servers (MX records) for a disputed domain name does not, by itself, establish bad faith under the Policy. However, where there is evidence that email services are being used to impersonate the trademark owner, commit fraud, or otherwise exploit the trademark in a deceptive or harmful way, this may support a finding of bad faith.

Thus, the Panel has taken a view that 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.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **bouyguescontructionsuk.com**: Transferred

PANELLISTS

Name	**Jiří Čermák**

DATE OF PANEL DECISION 2025-07-07

Publish the Decision