Decision for dispute CAC-UDRP-107659

Case number	CAC-UDRP-107659
Time of filing	2025-06-13 14:44:52
Domain names	bouygues-travaux-publics.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	BOUYGUES

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	ALEX COLIN

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 has submitted evidence of ownership of multiple registered trademarks incorporating the term **BOUYGUES**, including:

- **International Trademark No. 390771**, BOUYGUES, registered on **1 September 1972**;
- **French Trademark No. 1197244**, BOUYGUES, registered on **4 March 1982**.

The Complainant also holds domain names incorporating the **BOUYGUES** trademark, such as <bouygues-travaux-publics-region.com>.

FACTUAL BACKGROUND

The Complainant, **BOUYGUES**, is a well-known French industrial group founded in 1952. It operates globally across four key sectors: Construction, Energies and Services, Media, and Telecoms. The Complainant is the proprietor of numerous trademarks for **BOUYGUES.**

The Complainant also owns several domain names containing the BOUYGUES mark.

The disputed domain name was registered on **10 June 2025**, resolves to a parking page, and has active MX records.

PARTIES CONTENTIONS

The Complainant contends that:

- The disputed domain name is confusingly similar to its well-known BOUYGUES trademarks.
- The additional words “travaux publics” refer directly to its subsidiary, BOUYGUES TRAVAUX PUBLICS, thereby increasing the likelihood of confusion.
- The Respondent has no rights or legitimate interests in the disputed domain name.
- The disputed domain name was registered and is being used in bad faith, including passive holding and potential email misuse (given the presence of MX records).
- That the requirements of the Policy have been met and that the disputed domain name should be transferred to the Complainant.

Respondent

The Respondent did not reply 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

Identical or Confusingly Similar

The Complainant has established its rights in the BOUYGUES mark through long-standing registrations.

The disputed domain name incorporates the Complainant’s trademark BOUYGUES in its entirety, and the addition of “travaux publics” (a reference to the Complainant’s subsidiary) does not avoid confusion. On the contrary, it enhances the association with the Complainant. The inclusion of the generic Top-Level Domain (“.com”) is irrelevant in assessing confusing similarity.

The Panel finds that the disputed domain name is confusingly similar to the Complainant’s trademark in accordance with paragraph 4(a)(i) of the Policy.

Rights or Legitimate Interests

The Respondent is not known by the disputed domain name, nor has it been authorized by the Complainant to use its trademarks. No evidence suggests the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services.

The Complainant has established a prima facie case, which the Respondent has failed to rebut. Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name (paragraph 4(a)(ii) of the Policy).

Registered and Used in Bad Faith

The Panel finds that the Respondent registered and is using the disputed domain name in bad faith pursuant to paragraph 4(a)(iii) of the Policy for the following reasons:

The Complainant's trademark BOUYGUES is well-known in France and internationally, having been used extensively since at least 1972 and registered in multiple jurisdictions. The Complainant also operates a global business under this brand, including the domain name <bouygues-travaux-publics-region.com> and the subsidiary **BOUYGUES TRAVAUX PUBLICS**, which is a recognized entity in the field of infrastructure development.

The composition of the disputed domain name — combining "bouygues" and "travaux publics" — precisely matches the name of the Complainant's infrastructure subsidiary and cannot be considered coincidental. The addition of "travaux publics" (a French term meaning "public works") to a highly distinctive and globally recognized trademark only strengthens the association with the Complainant. This evidences intentional **targeting** of the Complainant's mark.

As numerous panels have held, where a domain name incorporates a well-known trademark in its entirety with additional descriptive terms closely associated with the trademark owner, such registration is strong evidence of bad faith. (See LEGO Juris A/S v. Rampe Purda, WIPO Case No. D2010-0840.)

The disputed domain name resolves to a passive parking page and has not been used in any active or legitimate manner. The Complainant contends, and the Respondent has not rebutted, that the disputed domain name has not been used for any bona fide offering of goods or services and that there is no indication of any demonstrable preparations to do so.

As held in Telstra Corporation Ltd v. Nuclear Marshmallows (WIPO Case No. D2000-0003), non-use of a domain name can constitute bad faith where:

- The complainant's mark has a strong reputation and is widely known;
- The respondent has provided no evidence of any actual or contemplated good faith use;
- It is not possible to conceive of any plausible legitimate use of the disputed domain name that would not infringe on the complainant's rights.

All these conditions are satisfied in the present case.

The presence of active MX records configured for the disputed domain name suggests that the Respondent has enabled the disputed domain name to be used for email communications. Given the confusing similarity to the Complainant's trademark and the fact that "Bouygues Travaux Publics" is a known subsidiary of the Complainant, the use of email addresses based on this domain could easily mislead third parties into believing they are corresponding with an authorized representative of the Complainant.

Panels have consistently found that the activation of MX records in such circumstances constitutes further evidence of bad faith. In CAC Case No. 102827, JCDECAUX SA v. Handi Hariyono, the panel concluded that it was inconceivable that the Respondent would be able to use the disputed domain name as part of an email address in good faith, given the risk of phishing, impersonation, or fraud.

Considering the distinctiveness and fame of the Complainant's trademark, the deliberate targeting of the Complainant's subsidiary, the passive holding of the disputed domain name and the existence of MX records, the Panel concludes that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of the UDRP.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **bouygues-travaux-publics.com**: Transferred

PANELLISTS

Name	**Jan Schnedler**

DATE OF PANEL DECISION 2025-07-11

Publish the Decision