Decision for dispute CAC-UDRP-107639

Case number	CAC-UDRP-107639
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Domain names	bouyques-construction.com

Case administrator

Organization	Michael Volák (CAC) (Case admin)

Complainant

Organization	BOUYGUES

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	sy sunkle

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 consisting of the term BOUYGUES CONSTRUCTION®, such as the international trademark BOUYGUES CONSTRUCTION n°732339 registered since April 13, 2000 and the European trademark BOUYGUES CONSTRUCTION n°001589159 registered since May 16, 2001.

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

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant was founded in 1952 and it is a diversified group of industrial companies centered on four sectors of activity: Construction, Energies and services, Media and Telecoms. Operating in over 80 countries, the Complainant’s net profit attributable to the Group amounted to 56 billion euros in 2023.

Its subsidiary BOUYGUES CONSTRUCTION is a world player in the fields of building, public works, energy, and services (please see their website at http://www.bouygues-construction.com/).

As a global player in construction and services, BOUYGUES CONSTRUCTION designs, builds and operates buildings and structures which improve the quality of people's living and working environment: public and private buildings, transport infrastructures and energy and communications networks. As leader in sustainable construction, the Group and its 32,500 employees have a long-term commitment to helping their customers shape a better life.

The Complainant is also the owner of several trademarks BOUYGUES CONSTRUCTION, such as the international trademark BOUYGUES CONSTRUCTION n°732339 registered since April 13, 2000 and the European trademark BOUYGUES CONSTRUCTION n°001589159 registered since May 16, 2001.

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

The disputed domain name <bouyques-construction.com> (hereinafter, the „Disputed Domain Name“) was registered on May 28th, 2025 and is inactive. Besides, MX servers are configured.

According to Complainant’s non-contested allegations, the Respondent has no rights or legitimate interest in respect of the Disputed Domain Name and the Complainant is not related in any way to the Complainant’s business.

For the purpose of this case, the Registrar confirmed that the Respondent is the current registrant of the Disputed Domain Name and that the language of the registration agreement is English.

The facts asserted by the Complainant are not contested by the Respondent.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

PARTIES CONTENTIONS

COMPLAINANT:

First element: Similarity

The Complainant states that the Disputed Domain Name <bouyques-construction.com> is confusingly similar to its trademarks “BOUYGUES CONSTRUCTION®“.

The obvious misspelling of the Complainant’s trademarks BOUYGUES CONSTRUCTION (i.e. the substation of the letter “G” by the letter “Q”) is characteristic of a typosquatting practice intended to create confusing similarity between the Complainant’s trademark and the Disputed Domain Name.

Furthermore, the Complainant contends that the addition of the gTLD “.COM” does not change the overall impression of the designation as being connected to the Complainant’s trademark. It does not prevent the likelihood of confusion between the Disputed Domain Name and the Complainant, its trademark and its domain names associated.

Second element: Rights or legitimate interest

The Complainant contends that the Respondent is not known as the Disputed Domain Name at the Whois database.

Additionally, the Complainant contends that the Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. The Complainant does not carry out any activity for, nor has any business with the Respondent.

Neither license nor authorization has been granted to the Respondent to make any use of the Complainant’s trademark “BOUYGUES CONSTRUCTION®“, or apply for registration of the Disputed Domain Name by the Complainant.

Besides, the Complainant also claims that the Disputed Domain Name is a typosquatted version of the trademark “BOUYGUES CONSTRUCTION®“. Typosquatting is the practice of registering a domain name in an attempt to take advantage of Internet users’ typographical errors and can evidence that a respondent lacks rights and legitimate interests in the domain name.

Furthermore, the Disputed Domain Name is inactive. The Complainant contends that the Respondent did not use the Disputed Domain Name, and it confirms that Respondent has no demonstrable plan to use the Disputed Domain Name.

Third element: Bad faith

The Complainant states that the Disputed Domain Name is confusingly similar to its trademark “BOUYGUES CONSTRUCTION®“.

Besides, the Complainant and its subsidiaries are well-known and present worldwide. Thus, the Respondent should have known about the Complainant at the time of the registration of the Disputed Domain Name.

Furthermore, the misspelling in the Disputed Domain Name can state that this practical was intentionally designed to be confusingly similar with the Complainant's trademarks. Previous UDRP Panels have seen such actions as evidence of bad faith.

Besides, the Disputed Domain Name is inactive. The Complainant contends that the Respondent has not demonstrated any activity in respect of the Disputed Domain Name, and it is not possible to conceive of any plausible actual or contemplated active use of the Disputed Domain Name by the Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law.

Finally, the Disputed Domain Name has been set up with MX records, which suggests that it may be actively used for email purposes.

RESPONDENT

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

According to Paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements to obtain an order that a disputed domain name should be transferred or cancelled:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; 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 are being used in bad faith.

The Panel has reviewed in detail the evidence available to it and has come to the following conclusions concerning the satisfaction of the three elements of paragraph 4(a) of the Policy in the proceeding:

(A) THE COMPLAINANT'S RIGHTS AND CONFUSING SIMILARITY OF THE DISPUTED DOMAIN NAME TO THE COMPLAINANT'S RIGHTS.

Paragraph 4(a)(i) of the Policy establishes the obligation of the Complainant to demonstrate that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant submitted copies of the following international trademark registrations:

1. International trademark BOUYGUES CONSTRUCTION n°732339 registered since April 13, 2000 at class 37, and

2. European trademark BOUYGUES CONSTRUCTION n°001589159 registered since May 16, 2001 at class 37.

As provided at the evidence, the Complainant's trademarks were registered prior to 2025, the year of the creation date of the Disputed Domain Name.

From the Panel's perspective, the Disputed Domain Name <bouyques-construction.com> is composed of almost all letters of the trademark "BOUYGUES CONSTRUCTION" with the replacement of the first letter "G" with "Q". From the Panel's perspective, this an intentional misspelling of Complainant's trademark and a typo squatting case where internet users searching for "<bouygues-construction.com>" might wrongly type in the computer's keyboard the letter "Q" instead of "G" and by doing so, they would end up at Respondent's website "<bouygues-construction.com>". (See, e.g., Sanofi. v. Domains By Proxy, LLC /domain admin, WIPO Case No. D2013-0368: "The Domain Name consists of the SANOFI Mark with the letter "o" replaced by the letter "i". The replacement of "o" with "i" does not operate to prevent a finding of confusing similarity between the SANOFI Mark and the Domain Name especially in circumstance where the letters "o" and "i" are right next to each other on a typical "qwerty" keyboard, meaning that a single slip of the fingers would result in an Internet user who intended to visit the Complainant's website at www.sanofi.com visiting the Respondent's Website instead").

Furthermore, previous panels have found that special attention should be paid to domain names where the difference in spelling is so insignificant that it is hardly noticeable and does not change the distinctive character of the mark in question. See, e.g., BOURSORAMA SA v. francois goubert , CAC Case No. 104595: "This also applies to domain names where the difference in spelling is so insignificant that it is hardly noticeable and does not change the distinctive character of the mark in question. Most readers would be hard put to quickly spot the difference between "BOURSORAMA" and "BOUSORAMA". This takes some analysis, especially at the mind reads what it expects to see from previous experience. In this case, that expectation would be to read the well-known word "BOURSORAMA".

UDRP panels agree that the TLD may usually be ignored for the purpose of determination of identity or confusing similarity between a domain name and the Complainant's trademark as it is technical requirement of registration. See paragraph 1.11.1 of WIPO Jurisprudential Overview 3.0.

Therefore, the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy and the Disputed Domain Name is confusingly similar to Complainant's "BOUYGUES CONSTRUCTION®» trademark.

(B) RESPONDENT'S LACK OF RIGHTS OR LEGITIMATE INTERESTS IN THE DISPUTED DOMAIN NAME.

The second element of the Policy requires that the Complainant establishes that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The generally adopted approach, when considering the second element, is that if a complainant makes out a prima facie case, the burden of proof shifts to the respondent to rebut it with relevant evidence demonstrating rights or legitimate interests in the domain name; see, for example, CAC Case No. 102333, Amedei S.r.l. v sun xin. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy (see e.g. WIPO case no. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

In this regard, Paragraph 4 (c) provides with circumstances which could prove rights or legitimate interest in the Disputed Domain Name on behalf of the Respondent such as:

(i) before any notice to Respondent of the dispute, Respondent is using or provides with demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) The Respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if the Respondent has acquired no trademark or service mark rights; or

(iii) The Respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Respondent did not reply to the Complaint despite the efforts made by CAC to notify the Complaint. In this regard, the Complainant has confirmed in the Complaint that the Disputed Domain Name is not connected with or authorized by the Complainant in any way.

From the information provided by the Complainant, there is no evidence or reason to believe that the Respondent (as an individual, business or other organization) has been commonly known by the Disputed Domain Name. The Respondent registered the Disputed Domain Name using a privacy protected service and this is all what links the Disputed Domain Name with the Respondent. Absent of any other evidence such as a personal name, nickname or corporate identifier, the Panel is of the opinion that the Respondent is not commonly known by the Disputed Domain Name.

The Complainant also mentioned that the Disputed Domain Name is a typo squatted version of the trademark BOUYGUES CONSTRUCTION®. In this regard, UDRP panels have confirmed in different decisions that when typo squatting is occurring, then this can be considered as additional evidence that the Respondent has no right or legitimate interest under the Policy. (See, e.g., Pentair Flow Services AG v. Scott Fisher, CAC Case No. 103931. "Since typosquatting is a practice of registering a domain name in an attempt to take advantage of internet users' typographical errors, this circumstance is also evidence that the Respondent lacks rights and legitimate interest in the disputed domain name").

The Complainant has also provided evidence showing that the Disputed Domain Name resolves to an inactive page. Different Panels have confirmed that the lack of content at the Disputed Domain Name can be considered as a finding that Respondent does not have bona fide offering of goods and services (see, for example, Forum Case No. FA 1773444, Ashley Furniture Industries, Inc v. Joannet Macket/JM Consultants).

Therefore, the Panel concludes that neither the Respondent nor the evidence establishes that the Respondent has any right or legitimate interest in the Disputed Domain Name. The Complainant has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

(C) BAD FAITH REGISTRATION AND USE OF THE DISPUTED DOMAIN NAME.

Paragraph 4(a)(iii) of the Policy indicates that the Complainant must assert that the Respondent registered and is using the Disputed Domain Name in bad faith. In this sense, Paragraph 4(b) of the Policy sets out four circumstances which if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- circumstances indicating that the Respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the domain name; or
- The Respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- The Respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- by using the domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product.

For the current case, the evidence at hand confirms that Complainant's BOUYGUES CONSTRUCTION® trademark is distinctive and it has a strong reputation in the different industries that the Complainant operates; e.g. Construction. Furthermore, the Complainant claims that its mark is famous and it cites prior decisions under the UDRP that have recognized the reputation of the BOUYGUES CONSTRUCTION® mark such as CAC Case No. 101387.

The Complainant has provided evidence that the Complainant, directly or via its subsidiaries, operates in different countries.

Furthermore, the Disputed Domain Name is a typo squatted version of the trademark BOUYGUES CONSTRUCTION®. Some panels have found that domain names comprising typos or misspellings of a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith (see paragraph 3.1.4 of WIPO Overview 3.0).

As indicated by Complainant, the website associated with the Disputed Domain Name resolves to an inactive website. Past panelist have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding and for this purpose, the following factors should be taken into account: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put.

See paragraph 3.3. of WIPO Overview.

Last but not least, the Complainant provided with evidence showing that.MX records are configured. Past Panels have found that the activation of mail exchanger record (MX record) suggests that the Respondent is using or is preparing to use the Disputed Domain Name to send and receive email communications with the purpose of misleading the recipients as to their source. This is an additional circumstance of the Respondent's bad faith.(See, e.g., Decathlon v. Privacy service provided by Withheld for Privacy, WIPO Case No. D2021-4369.

In light of the above-mentioned findings, the Panel finds that the evidence submitted by the Complainant supports the argument that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product.

Therefore, the Panel concludes that Respondent registered and is using the Disputed Domain Name in bad faith and thus has satisfied the requirement under 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. **bouyques-construction.com**: Transferred

PANELLISTS

Name	**Victor Garcia Padilla**

DATE OF PANEL DECISION 2025-07-15

Publish the Decision