Decision for dispute CAC-UDRP-107729

Case number	CAC-UDRP-107729
Time of filing	2025-07-08 09:28:49
Domain names	buoygues-constroction.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	BOUYGUES

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	gfg

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, which the Panel accepts, showing that it is the registered owner of the “BOUYGUES CONSTRUCTION” trademarks, such as the international trademark “BOUYGUES CONSTRUCTION” n°732339 registered since April 13, 2000 and the European Union trademark “BOUYGUES CONSTRUCTION” n°001589159 registered since May 16, 2001.

Moreover, the Complainant is also the owner of the domain name <bouygues-construction.com>, registered since May 10, 1999.

FACTUAL BACKGROUND

The Complainant is a company serving in four main areas: construction, energy, media and telecom. The Complainant is present in over 80 countries and its net profit attributable to the Group amounted to 56,8 billion euros in 2024. Its subsidiary BOUYGUES CONSTRUCTION is a global player in the fields of building, public works, energy, and services and it designs, builds and operates buildings and structures aiming to improve the quality of people's living and working environment: public and private buildings, transport infrastructures and energy and communications networks.

The Complainant holds several trademark registrations for “BOUYGUES CONSTRUCTION” dating back to 2000 in various countries and domain name incorporating “BOUYGUES CONSTRUCTION” trademark as <bouygues-construction.com>.

On July 4, 2025; the Respondent registered the disputed domain name <buoygues-constroction.com>. The disputed domain name is currently inactive at the decision date.

PARTIES CONTENTIONS

COMPLAINANT:

THE DISPUTED DOMAIN NAME IS CONFUSINGLY SIMILAR

The Complainant contends that the disputed domain name <buoygues-constroction.com> identically contains the Complainant's trademark "BOUYGUES CONSTRUCTION". The Complainant claims that the obvious misspelling of the Complainant's trademarks BOUYGUES CONSTRUCTION in the sense that the letter "U" in the second word is changed to "O" is a characteristic of a typosquatting practice intended to create confusing similarity between the Complainant's trademark and the disputed domain name. It is asserted that the previous panels have found the slight spelling variations does not prevent a domain name from being confusingly similar to the Complainant's trademark.

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 and it does not prevent the likelihood of confusion between the disputed domain name and the Complainant, its trademark and its domain names.

Thus, it is claimed that the disputed domain name <buoygues-constroction.com> is confusingly similar to the Complainant's trademark.

NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name and he is not related in any way with the Complainant. The Complainant does not carry out any activity for, nor has any business with the Respondent.

The Complainant submits that the Respondent is neither a licensee nor authorized agent of the Complainant nor in any other manner authorized to sell Complainant's products or use its trademark(s).

The Complainant also argues that the disputed domain name points to a parking page with commercial links at the time of the Complaint. It further refers to past panel decisions that it is not a bona fide offering of goods or services or legitimate non-commercial or fair use.

Therefore, the Complainant claims that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

THE DISPUTED DOMAIN NAME WAS REGISTERED AND IS USED IN BAD FAITH

The Complainant claims that the disputed domain name is confusingly similar to the Complainant's well-known trademark. The Complainant refers to a previous panel decision recognizing the well-known status of the trademark such as CAC UDRP case No. 101387, BOUYGUES v. Laura Clare, <bouygeus-construction.com>. The Complainant claims that given the distinctiveness of the Complainant's trademarks and reputation, it is claimed that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark.

Moreover, the Complainant states the misspelling of the trademark "BOUYGUES CONSTRUCTION" was intentionally designed to be confusingly similar with the Complainant's trademark and refers to previous panel decisions holding such actions as evidence of bad faith.

Furthermore, it was claimed that the disputed domain name points to a parking page with commercial links, which is an attempt to attract Internet users for commercial gain to his own website thanks to the Complainant's trademarks for its own commercial gain, and this is evidence of bad faith.

Finally, the Complainant states that the disputed domain name has been set up with MX records, which suggests that it may be actively used for e-mail purposes. This is also claimed to be indicative of bad faith registration and use because any e-mail emanating from the disputed domain name could not be used for any good faith purpose.

On these bases, the Complainant concludes that the Respondent has registered and is using the disputed domain name <buoygues-constroction.com> in 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

Paragraph 15 of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In this context, the Panel also notes that the burden of proof is on the Complainant to make out its case and past UDRP panels have consistently said that a Complainant must show that all three elements of the Policy have been made out before any order can be made to transfer a domain name.

For the Complainant to succeed it must prove, within the meaning of paragraph 4(a) of the Policy, that:

- the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- the disputed domain name has been registered and is being used in bad faith.

The Panel will therefore deal with each of these requirements in turn.

1. IDENTICAL OR CONFUSINGLY SIMILAR

The Policy simply requires the Complainant to demonstrate that the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights. The Panel is satisfied that the Complainant is the owner of registration of “BOUYGUES CONSTRUCTION” trademarks.

The Panel finds that the disputed domain name is confusingly similar to the Complainant’s “BOUYGUES CONSTRUCTION” trademark and the change in one letter is not sufficient to eliminate similarity, as it is barely recognizable. In addition, it can indeed be considered as typosquatting.

Moreover, the addition of the gTLD “.COM” is not enough to abolish the similarity.

The Panel is of the opinion that the Internet users will easily fall into false impression that the disputed domain name is an official domain name of the Complainant. The Panel recognizes the Complainant's rights and concludes that the disputed domain name is confusingly similar with the Complainant's trademark. Therefore, the Panel concludes that the requirements of paragraph 4(a)(i) of the Policy is provided.

2. NO RIGHTS OR LEGITIMATE INTERESTS

Under paragraph 4(a)(ii) of the Policy, the complainant has the burden of establishing that the respondent has no rights or legitimate interests in respect of the domain name.

It is open to a respondent to establish its rights or legitimate interests in a domain name, among other circumstances, by showing any of the following elements:

(i) before any notice to the respondent of the dispute, the use or making 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 of the dispute (as an individual, business, or other organization) has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or

(iii) the respondent of the dispute is making a legitimate non-commercial or fair use of the domain name, without an intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Thus, if the respondent proves any of these elements or indeed anything else that shows that it has a right or legitimate interest in the disputed domain name, the complainant will have failed to discharge its burden of proof and the complaint will fail. The burden is on the complainant to demonstrate a prima facie case that the respondent does not have rights or legitimate interests in the disputed domain name. Once the complainant has made out a prima facie case, then the respondent may, inter alia, by showing one of the above circumstances, demonstrate rights or legitimate interests in the disputed domain name.

The Complainant contends that the Respondent has nothing to do with the Complainant and any use of the trademarks “BOUYGUES CONSTRUCTION” has to be authorized by the Complainant and there is no such authorization. Moreover, the disputed domain name has no relation with the Respondent and the Respondent is not commonly known as the disputed domain name.

In the absence of a compliant response, the Panel accepts the Complainant’s allegations as true that the Respondent has no authorization to use the Complainant’s trademarks in the disputed domain name.

Hence, as the Complainant has made out its prima facie case, and as the Respondent has not demonstrated any rights or legitimate interests as illustrated under paragraph 4(c) of the Policy, nor has the Panel found any other basis for finding any rights or legitimate interests of the Respondent in the disputed domain dame, the Panel concludes that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

3. BAD FAITH

The Panel concludes that the Complainant's “BOUYGUES CONSTRUCTION” trademark is of distinctive character and is well-known in its sector. Therefore, the Panel is of the opinion that due to the earlier rights of the Complainant in well-known “BOUYGUES CONSTRUCTION” trademarks, the Respondent, was aware of the Complainant and its trademarks at the time of registration of the disputed domain name (see e.g., Ebay Inc. v. Wangming, WIPO Case No. D2006-1107). Referring to Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net, WIPO Case No. D2000-0226, the Panel believes that the awareness of the Complainant’s trademark at the time of the registration of the disputed domain name is to be considered an inference of bad faith registration.

Moreover, the disputed domain name is currently invalid. Even if there is no present use of the disputed domain name, the fact that it was parked with PPC links shown by the Complainant before and there is MX record connected to the disputed domain name suggests that the Respondent will not be able to make any use of the disputed domain name in good faith, since it is neither affiliated to nor authorized by the Complainant. Besides, regarding inactive domain names, section 3.3 of the WIPO Overview 3.0 provides the following: “From the inception of the UDRP, panellists have found that the non-use of a domain name (including a blank or ‘coming soon’ page) would not prevent a finding of bad faith under the doctrine of passive holding. While panellists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (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.”

All the circumstances of the case must be examined to determine whether the Respondent is acting in bad faith. The cumulative circumstances for an indication of bad faith include the Complainant having a well-known trade mark, no response having been filed, and the disputed domain name being parked and resolve to pay-per-click pages, which all happened in this case.

Therefore, in light of the above-mentioned circumstances in the present case, the Panel finds that the disputed domain name has been registered and is being used in bad faith and that the Complainant has established the third element 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. **buoygues-constroction.com**: Transferred

PANELLISTS

Name	**Mrs Selma Ünlü**

DATE OF PANEL DECISION 2025-08-13

Publish the Decision