Decision for dispute CAC-UDRP-107805

Case number	CAC-UDRP-107805
Time of filing	2025-07-31 09:53:11
Domain names	bouygues-travaux-public.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (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 is the owner of a great many national, regional and international registered trade marks for the word BOUYGUES, including International Registration No. 390771 (1972) and the base French Registration No. 1197244 (1982). Its marks are registered in over 45 countries. It also owns numerous domain names incorporating its mark, including <bouygues-travaux-publics-region.com>.

FACTUAL BACKGROUND

The Complainant, founded in 1952, is a diversified industrial group engaged in construction, energies and services, media, and telecommunications. It operates in over 80 countries and employs tens of thousands of staff. Its subsidiary, Bouygues Construction, is a world player in building, public works, energy, and services. Within this group, Bouygues Travaux Publics specializes in complex civil engineering projects such as tunnels, roads, bridges, and large-scale infrastructure.

The disputed domain name <bouygues-travaux-public.com> was registered on 28 July 2025 by an Alex Colin. It currently resolves to a parking page, and its DNS is configured with MX records.

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

Similarity

The Panel finds that the disputed domain name wholly incorporates the Complainant’s trademark BOUYGUES.

The test for identity is strict and they are not identical. But incorporation of the trademark combined only with a dictionary word may mean the domain name is confusingly similar to the complainant's registered mark. E.g., Hoffmann-La Roche Inc. v. Hightech Industries, Andrew Browne, WIPO Case No. D2010-0240 finding “the incorporation of a trademark in its entirety may be sufficient to establish that a domain name is identical or confusingly similar to the Complainant's registered mark.”

The disputed domain name is the word mark, together with a descriptive and generic term which is ignored in the similarity analysis. Adding a generic term, in front – or indeed after, a well-known name and mark does not prevent a finding of confusing similarity

The additional descriptive and generic words 'travaux public' or public works, refer directly to the Complainant’s subsidiary, Bouygues Travaux Publics, thereby reinforcing the likelihood of confusion. The addition of the generic '.com' gTLD is irrelevant to the assessment at this stage although it can be relevant to the other limbs.

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).

Fair Use

By paragraph 4(a)(ii) of the Policy, a Complainant must prove that the Respondent has no rights or legitimate interests in respect of the domain name. The non-exhaustive grounds upon which it may rely are set out in paragraph 4(c) of the Policy and so the following may evidence rights or legitimate interests: (i) a bona fide offering of goods or services; (ii) being commonly known by the name; and (iii) making legitimate non- commercial or fair use of the domain name. This element is therefore part of the Complainant's burden, see WIPO case No. D2003-0455, "Croatia Airlines v. Modern Empire Internet Ltd." (a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. Once such prima facie case is made, the

respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy).

Here, the Respondent is not commonly known by the domain name as shown in the WHOIS records. Please see for instance The Forum Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group <bobsfromsketchers.com>.

It is unaffiliated with the Complainant. No use can be bona fide where a domain name was selected to create and capitalize on confusion and trade on the reputation of the trade mark owner or to impersonate the owner. This is not consistent with honest or fair or legitimate use. Bettinger, Domain Name Law and Practice, Second Ed. p.1383, para. IIIE.302. See also WIPO case No. D2009-1091 (dyson24-7.com).

The resolving website is a mere parking page, and there is no evidence of demonstrable preparations for bona fide use. While passive holding is not Bad Faith per se, it is fact sensitive. Often, where there is no website, the purpose will be for e-mails

The Respondent has not come forward to assert rights or interests and does not on the face of the facts have any rights or legitimate interest in the disputed domain name.

Where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. The Respondent does not appear to be a genuine reseller—and they appear to hold themselves out as the Complainant or part of it without right or title. If they had a legitimate use or reason for it, they would have come forward with it.

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 Bad Faith criteria under the Policy is illustrated in in paragraph 4(b)(i) -(iv) which has a non-exhaustive list of recognised forms of Bad Faith. These include registered primarily for: (i) sale etc. to the Complainant, (ii) as a blocking registration, (iii) for disrupting the business of a competitor, or (iv) intentionally to attract for commercial gain, internet users to the respondent's site or location by creating a likelihood of confusion with the complainant's mark etc.

In this case, the Complainant’s mark is well known, and the Respondent cannot credibly claim ignorance of it.

As prior WIPO UDRP panels have held, the incorporation of a famous mark into a domain name, coupled with an inactive website, may be evidence of bad faith registration and use. See WIPO Case No. D2000-0003, Telstra Corporation Limited v. Nuclear Marshmallows and WIPO Case No. D2000-0400, CBS Broadcasting, Inc. v. Dennis Toeppen.

The disputed domain name resolves to a parking page, which does not constitute a bad faith use per se but where, as here, the disputed domain name has been set up with MX records, it may. The configuration of MX records creates a risk that the domain could be used for deceptive email communication, which panels have consistently found to evidence bad faith. This carries a risk of impersonation and possibly phishing and is illegitimate and possibly criminal. That pushes passive holding and PPC over the line and the Panel finds there is Bad Faith.

Please see for instance CAC Case No. 102827, JCDECAUX SA v. Handi Hariyono (“There is no present use of the disputed domain name but there are several active MX records connected to the disputed domain name. It is concluded that it is inconceivable that the Respondent will be able to make any good faith use of the disputed domain name as part of an e-mail address.”).

The Complainant has discharged its burden on all three limbs of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

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

PANELLISTS

Name	**Victoria McEvedy**

DATE OF PANEL DECISION 2025-09-02

Publish the Decision