Decision for dispute CAC-UDRP-108059

Case number	CAC-UDRP-108059
Time of filing	2025-10-17 09:09:55
Domain names	bougyues-constructions.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	BOUYGUES

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Organization	THE Bouygues group

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 the BOUYGES CONSTRUCTION trade mark, which is used in relation to, inter alia, construction and renovation services. The Complainant has trademark registrations for BOUYGES CONSTRUCTION including the following:

- International trademark registration No. 732339, registered since April 13, 2000; and
- European Union trademark registration No. 001589159, registered since May 16, 2001.

The Complainant, through its subsidiary, is the owner of various domain names incorporating the term “BOUYGUES CONSTRUCTION”, including <bouygues-construction.com>, registered on May 10, 1999.

FACTUAL BACKGROUND

The Complainant is a group of companies centered on four sectors of activity: Construction, Energy, Media, and Telecommunications. Founded in 1952 by Francis Bouygues, the Complainant now operates in over 80 countries, with a net group profit of €1.058 million. Its employee headcount is over 35,600.

The Complainant’s subsidiary, Bouygues Construction, operates globally in the field of building, public works, energy, and other services. It designs and constructs buildings and operates transport infrastructure as well as energy and communications networks.

The Respondent is identified as Alan Winkell of THE Bouygues group, 14321 Winter Breeze Drive Suite 29, Midlothian VA, 23113, United States.

The Respondent registered the disputed domain name on October 14, 2025. As at the time of filing the Complaint, the disputed domain name resolved to an inactive webpage. Corresponding mail exchange (MX) servers are configured.

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 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. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a complainant to show that a domain name is identical or confusingly similar to a trade mark or service mark in which the complainant has rights.

A registered trade mark provides a clear indication that the rights in the mark shown on the trade mark certificate belong to its respective owner. The Complainant has provided evidence that it owns registered trademark rights in BOUYGUES CONSTRUCTION.

In this case, the disputed domain name comprises the entirety of the Complainant's BOUYGUES CONSTRUCTION trade mark but mis-spelt, wherein the letters "y" and "g" in "bouygues" have been swapped, and it includes the letter "s" at the end of the word "construction". The Panel agrees that this is an obvious case of typosquatting. The ".com" generic Top-level domain is a technical requirement and is not relevant to the issue of whether the disputed domain name is identical or confusingly similar to the Complainant's trade mark.

Consequently, the Panel finds that the Complainant has shown that the disputed domain name is confusingly similar to a trade mark in which the Complainant has rights.

B. Rights or Legitimate Interests

Once a complainant establishes a prima facie case that the respondent lacks rights or legitimate interests in the disputed domain name, the burden of production shifts to the respondent to show that it has rights or legitimate interests in respect to the disputed

domain name (see WIPO Jurisprudential Overview 3.0, section 2.1).

In the present case, the Complainant has demonstrated a prima facie case that the Respondent lacks rights or legitimate interests in respect of the disputed domain name and the Respondent has failed to assert any such rights or legitimate interests.

The Complainant has provided evidence that it has owned registered trademark rights in BOUYGUES CONSTRUCTION long before the date that the disputed domain name was registered. Further, there is no evidence that the Respondent was licensed or otherwise authorized by the Complainant to use the Complainant's BOUYGUES CONSTRUCTION trade mark (or a mis-spelling thereof) or that the Respondent is commonly known by the disputed domain name.

The Panel notes that the disputed domain name was registered with the Respondent purportedly being "THE Bouygues group". This registration detail is obviously false and appears to be a deceptive attempt by the Respondent to "disguise" itself as the Complainant or give the impression of being associated with the Complainant.

At the time of the filing of the Complaint, the disputed domain name resolved to an inactive webpage. There is no evidence that the Respondent is making a legitimate non-commercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trade mark. The Respondent seeks by the disputed domain name to impersonate or suggest sponsorship or endorsement by the trademark owner. This cannot constitute legitimate or bona fide use. (WIPO Overview 3.0, section 2.5.1.).

The Respondent has failed to respond or rebut the prima facie case which has been established.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

The Complainant must also show that the Respondent registered and is using the disputed domain name in bad faith (see Policy, paragraph 4(a)(iii)). Paragraph 4(b) of the Policy provides circumstances that may evidence bad faith under paragraph 4(a)(iii) of the Policy.

As mentioned, this appears to be a typical case of typo- and cybersquatting. It is evident that the Respondent was well aware of the Complainant and its trade mark when it registered the disputed domain name. Notably, the purported name of the Respondent bears the correct spelling - "Bouygues" - and the disputed domain name incorporates the term "constructions" which corresponds to the field of business that the Complainant is engaged in.

Panels have found that the mere registration of a domain name that is identical or confusingly similar to a widely-known trade mark by an unaffiliated entity can by itself create a presumption of bad faith. (See WIPO Overview 3.0, section 3.1.4.).

The non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. (See WIPO Overview 3.0, section 3.3.) The totality of the circumstances in this case lends support for the Panel's finding of bad faith notwithstanding the fact that the disputed domain name has not been used. These include: (i) the 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 use of a false company name; and (iv) the implausibility of any good faith use to which the domain name may be put.

The Panel notes that the mail exchange server of the disputed domain name has been configured, which would allow the Respondent to send emails using the domain of the disputed domain name. This could potentially be used for nefarious purposes such as the impersonation of the Complainant. Such use would constitute bad faith registration and use (See WIPO Overview 3.0, section 3.4.).

Accordingly, having regard to the circumstances of this particular case, the Panel finds that the Complainant has met its burden 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. **bougyues-constructions.com**: Transferred

PANELLISTS

Name	**Francine Tan**

DATE OF PANEL DECISION 2025-11-13