Decision for dispute CAC-UDRP-108128

Case number	CAC-UDRP-108128
Time of filing	2025-11-07 10:08:18
Domain names	colasrailphils.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	COLAS

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Ma Theresa Mijares

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 proved to be the owner of the following registered trademarks:

- International trademark COLAS No. 753190 registered on February 16, 2001;
- French trademark COLAS No. 3051318 registered on September 13, 2000.

FACTUAL BACKGROUND

According to the Complainant's submissions, the Complainant is a French company active in the field of roads (road construction and maintenance work), materials (production and recycling of construction materials, mainly aggregates and bitumen) and railways known worldwide under the COLAS trademark.

The disputed domain name was registered on July 8, 2025, and resolves to a website under construction. In addition, 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 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

1.The disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

The Complainant has successfully proved to be the owner of the trademark COLAS.

The Panel finds that the trademark COLAS is clearly recognizable in <colasrailphils.com>. The addition of the words "RAIL" and "PHILS" does not exclude the similarity between the trademark and the disputed domain name. In particular, "RAIL" is descriptive of one of the business fields in which the Complainant is active and "PHILS" (reference to the Philippines) is a territory in which the Complainant operates.

Furthermore, the addition of a domain name extension is generally disregarded in view of its technical function.

As a consequence, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark, for the purposes of the First Element of the Policy.

2. The Respondent lacks rights or legitimate interests in the disputed domain name.

Pursuant to paragraph 4(a)(ii) of the Policy, a complainant is required to make out a prima facie case that a respondent lacks rights or legitimate interests in the disputed domain name. Once such a prima facie case is made, the respondent carries the burden of demonstrating its rights or legitimate interests in the disputed domain name. If the respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

In this case, the Panel finds that the Complainant's submitted evidence and allegations are sufficient to establish a prima facie case of the Respondent's lack of rights and legitimate interests in the disputed domain name.

According to the information provided by the Complainant and not contested by the Respondent, Ma Theresa Mijares is not commonly known by the disputed domain name, nor is he authorized to use the Complainant's trademark "COLAS".

Additionally, the disputed domain name is not used in good faith for the purposes of the Policy since it points to a website under construction.

For these reasons, the Panel takes the view that the Respondent lacks rights or legitimate interests in the disputed domain name for

the purposes of the Policy.

3. The disputed domain name was registered and is used in bad faith.

The Panel finds the following circumstances as material in order to establish the Respondent's bad faith in the registration of the disputed domain name:

(i) the disputed domain name was registered well after the Complainant acquired rights on the trademark COLAS;

(ii) the use of the words "RAIL" and "PHILS" suggests that the Respondent was aware of the Complainant's activities and trademark at the time of the registration of the disputed domain name;

(ii) the Complainant is known under the trademark COLAS, which is a distinctive trademark. This fact makes it very improbable that the Respondent was not aware of the Complainant's exclusive rights on COLAS at the time of the registration of the disputed domain name.

Currently, the disputed domain name links to a "page under construction". However, this does not exclude use in bad faith since the distinctiveness of the COLAS trademark makes it very improbable that it could be used in a way that would not infringe the Complainant's rights on the trademark COLAS.

Moreover, the Complainant proved that MX records are active on the disputed domain name.

All above considered, the Panel finds the evidence submitted as sufficient to prove use and registration in bad faith of the disputed domain name for the purposes of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **colasrailphils.com**: Transferred

PANELLISTS

Name	**Andrea Mascetti**

DATE OF PANEL DECISION 2025-12-20

Publish the Decision