Decision for dispute CAC-UDRP-108274

Case number	CAC-UDRP-108274
Time of filing	2025-12-22 10:28:21
Domain names	spiebatignollessas.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	SPIE BATIGNOLLES

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Monique Brunt

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, conducting business under the company / trade name SPIE BATIGNOLLES, owns numerous trademarks including the wording "SPIE BATIGNOLLES", such as:

- International trademark (figurative) SPIE BATIGNOLLES, Registration No. 535026, registered since 17 February 1989 in Classes 1, 4, 6, 7, 8, 9, 11, 12, 16, 17, 19, 35, 37, 38, 39, 40, 41, 42;
- European Union trademark (figurative) SPIE BATIGNOLLES, Registration No. 003540226, registered since 5 December 2006 in Classes 1, 2, 6, 19, 37, 42;
- French trademark (figurative) SPIE BATIGNOLLES, Registration No. 1494661, registered since 7 April 1989 in Classes 1, 4, 6, 7, 8, 9, 11, 12, 16, 17, 19, 28, 35, 37, 38, 39, 40, 41, 42, 45.

Furthermore, the Complainant owns multiple domain names consisting in the wording "SPIE BATIGNOLLES", such as <spiebatignolles.com> registered since 27 April 2009 and used in relation to its main website.

The above-mentioned rights of the Complainant are hereinafter referred to as the SPIE BATIGNOLLES Trademark.

FACTUAL BACKGROUND

The Complainant is SPIE BATIGNOLLES, a leading French group active in the building and infrastructure construction sector in numerous countries, including the United Kingdom. In 2024, its turnover amounted to EUR 2,582 million. Through extensive and long-standing use of the SPIE BATIGNOLLES Trademark in connection with engineering and construction goods and services, the Complainant has acquired a significant degree of recognition for this mark in the relevant industry worldwide.

The Respondent is an individual residing in the United Kingdom.

The disputed domain name <spiebatignollessas.com> was registered on 17 December 2025 and does not resolve to an active website. However, MX records have been configured for the disputed domain name.

The factual assertions made by the Complainant have not been contested by the Respondent.

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

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements to succeed in the administrative proceeding:

(i) the disputed domain name is identical or confusingly similar to a trade mark 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 is being used by the Respondent in bad faith.

I. THE COMPLAINANT'S RIGHTS AND THE CONFUSING SIMILARITY OF THE DISPUTED DOMAIN NAME TO THE COMPLAINANT'S MARK

The Complainant has demonstrated rights in the SPIE BATIGNOLLES Trademark.

The disputed domain name incorporates the wording "SPIE BATIGNOLLES", followed by the letters "sas" (a common abbreviation of the corporate form "Société par actions simplifiée", meaning "simplified joint-stock company" in French), and ending with the ".com" top-level domain (TLD). The SPIE BATIGNOLLES Trademark is therefore clearly recognizable within the disputed domain name.

Under the Policy, the test for identity or confusing similarity is a straightforward comparison between the disputed domain name and the relevant trademark. Where a domain name wholly incorporates the complainant's trademark—or where a dominant feature of the mark remains clearly recognizable—the domain name is generally considered confusingly similar. The mere addition of letters or terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity under the first element. The applicable TLD is typically disregarded in this analysis, as it is a functional element required for domain name registration.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's SPIE BATIGNOLLES Trademark.

The Complainant has therefore satisfied the first element of paragraph 4(a) of the Policy.

II. THE RESPONDENT'S LACK OF RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

Pursuant to paragraph 4(a)(ii) of the Policy, the Complainant must establish that the Respondent has no rights or legitimate interests in respect of the disputed domain name. Once a prima facie case is established, the burden of production shifts to the Respondent to demonstrate rights or legitimate interests.

The Complainant asserts that it has no relationship whatsoever with the Respondent. The Respondent has never been authorised, expressly or impliedly, by the Complainant to use the SPIE BATIGNOLLES Trademark or to register or use the disputed domain name.

The Respondent has been identified by the Registrar as Monique Brunt, residing in the UK. There is no evidence that the Respondent, whether as an individual, business, or other organisation, has been commonly known by the disputed domain name or has acquired any rights in a trademark or trade name corresponding to it.

The disputed domain name, registered on 17 December 2025, incorporates the SPIE BATIGNOLLES Trademark in its entirety together with the non-distinctive letters "sas", and is thus confusingly similar to the Complainant's mark.

UDRP panels have consistently held that domain names identical or confusingly similar to a complainant's trademark carry a high risk of implied affiliation. The mere addition of descriptive, geographic, pejorative, or otherwise non-distinctive terms does not avoid a finding of confusing similarity or establish rights or legitimate interests. Such a composition does not normally constitute fair use.

Moreover, the Complainant has submitted evidence that the disputed domain name does not resolve to an active website; however, MX records have been configured. This indicates that the disputed domain name could potentially be used for phishing or other fraudulent e-mail activities.

The Panel finds no indication that, prior to notice of the dispute, the Respondent used or prepared to use the disputed domain name, or any corresponding name, in connection with a bona fide offering of goods or services. Nor is there any evidence that the Respondent is making legitimate non-commercial or fair use of the domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the SPIE BATIGNOLLES Trademark.

While the Complainant has established its prima facie case, the Respondent has not submitted a Response to the Complaint and, thus, has failed to invoke any of the circumstances, which could demonstrate any rights or legitimate interests in the disputed domain name.

Accordingly, the Panel concludes that the Complainant has met the second requirement under paragraph 4(a) of the Policy, and finds that the Respondent lacks rights or legitimate interests in the disputed domain name.

III. THE REGISTRATION AND THE USE OF THE DISPUTED DOMAIN NAME IN BAD FAITH

The Complainant has sufficiently demonstrated that it holds rights in the well-known SPIE BATIGNOLLES Trademark, predating the registration of the disputed domain name.

The disputed domain name is confusingly similar to the SPIE BATIGNOLLES Trademark, as it incorporates the mark in its entirety. The addition of the letters "sas" and the ".com" TLD (being a mere technical requirement for domain name registration) does not prevent a finding of confusing similarity. UDRP panels have consistently found that the mere registration of a domain name identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity may, by itself, give rise to a presumption of bad faith.

Given the distinctiveness and reputation of the SPIE BATIGNOLLES trademark (see CAC Case No. 105222, SPIE BATIGNOLLES v. Jean Vuibert), the Panel finds it inconceivable that the Respondent could have registered the disputed domain name by mere coincidence, without actual knowledge of the Complainant's rights in such a well-known mark and without the intention to take advantage of its reputation. The Complainant has submitted the results of a Google search for the term "SPIE BATIGNOLLES SAS", all of which refer to the Complainant. Had the Respondent carried out a similar Internet search prior to registration, she would have readily become aware of the Complainant's activities and of its trademarks, which are registered and used worldwide. Even assuming that the Respondent had no prior knowledge of the Complainant's marks at the time of registration (which the Panel considers highly unlikely), she either failed to verify whether the disputed domain name would infringe the Complainant's earlier rights or, worse, did so and deliberately proceeded with the infringing registration. The Panel recalls that, pursuant to paragraph 2 of the Policy, it is the registrant's responsibility to determine whether a domain name registration infringes or violates the rights of a third party. By registering a domain name confusingly similar to the Complainant's well-known trademark, the Respondent has

therefore violated, inter alia, this provision of the Policy.

Moreover, the disputed domain name has not resolved to any active website since its registration. As recognized under the doctrine of passive holding (see section 3.3 of the WIPO Overview 3.0, and in particular WIPO Case No. D2000-0003, Telstra Corporation Limited v. Nuclear Marshmallows), the non-use of a domain name does not prevent a finding of bad faith where the circumstances indicate that any potential use would likely be abusive.

In this case, the Panel considered the following factors when applying the passive holding doctrine:

- the degree of distinctiveness and reputation of the SPIE BATIGNOLLES Trademark;
- the Respondent's failure to submit a Response or provide any evidence of actual or contemplated good faith use;
- the implausibility of any good faith use to which the disputed domain name could be put.

Taking into account all the circumstances, the Panel concludes that it is impossible to conceive of any plausible actual or contemplated use of the disputed domain name that would not be illegitimate, such as trademark infringement, passing off, or violation of consumer protection laws.

Furthermore, the configuration of MX records for the disputed domain name suggests a risk of its use for fraudulent e-mail activities, reinforcing the finding of bad faith.

Accordingly, the Panel finds that the Respondent, by registering and using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to her online location by creating a likelihood of confusion with the SPIE BATIGNOLLES Trademark as to the source, sponsorship, affiliation, or endorsement of her website or other online location (paragraph 4(b)(iv) of the Policy).

The Complainant has therefore met its burden under paragraph 4(a)(iii) of the Policy to show that the disputed domain name has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **spiebatignollessas.com**: Transferred

PANELLISTS

Name	**Ivett Paulovics**

DATE OF PANEL DECISION 2026-01-13

Publish the Decision