Decision for dispute CAC-UDRP-108349

Case number	CAC-UDRP-108349
Time of filing	2026-01-23 09:39:33
Domain names	colas-france-construction.com, colas-france-constrution.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	COLAS

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	jean marie fallet

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 names.

IDENTIFICATION OF RIGHTS

The Complainant invokes the following registered trademarks in this case:

- COLAS, international trademark No. 753190 registered since February 16, 2001 in classes 1, 19 and 37, and covering various countries;

- COLAS, European Union trade mark No. 10799559 registered since January 11, 2013 in classes 1, 19 and 37.

FACTUAL BACKGROUND

The Complainant is a subsidiary of the Bouygues group active in transport infrastructure with a presence in three main businesses: roads (road construction and maintenance work), materials (production and recycling of construction materials, mainly aggregates and bitumen) and railways. It employs around 64,000 people globally and undertakes about 45,000 projects completed via a network of 2,000 construction units and 3,500 material production and recycling sites in some 50 countries on 5 different continents. In 2024, the Complainant's consolidated revenue totalled EUR 15.9 billion.

The Complainant owns COLAS trademarks and operates the domain name <colas.com> which resolves to its official website.

The disputed domain names <colas-france-construction.com> and <colas-france-constrution.com> were both registered on January 19, 2026 and resolve to a registrar parking page. According to the Complainant's evidence, MX servers are configured for the disputed domain name <colas-france-construction.com>.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain names 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 names are 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 names (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 names have been registered and are 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 in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

The onus is on the Complainant to make out its case and it is apparent, both from the terms of the Policy and the decisions of past UDRP panels, that the Complainant must show that all three elements set out in Paragraph 4 (a) of the Policy have been established before any order can be made to transfer a domain name. As the proceedings are administrative, the standard of proof is the balance of probabilities.

Thus, for the Complainant to succeed it must prove, within the meaning of Paragraph 4(a) of the Policy and on the balance of probabilities that:

The disputed domain names are 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 names; and

The disputed domain names have been registered and are being used in bad faith.

The Panel has therefore dealt with each of these requirements in turn.

Identity of confusing similarity

The Complainant must first establish that there is a trademark or service mark in which it has rights. Since the Complainant shows to be the holder of the registered COLAS mark, it is established that there is a trademark in which the Complainant has rights.

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing

similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain names.

The Panel observes that the disputed domain names both incorporate the Complainant's COLAS trademark in its entirety, adding terms such as "france", "construction" and/or the misspelled term "construtión". In the Panel's view, such additions do not prevent the Complainant's trademark from being recognizable within the disputed domain names (see section 1.8 WIPO Overview 3.1; IM PRODUCTION v. Xue Han, CAC Case No. 104877 <isabel-marantus.com>).

Finally, it is well established that the Top-Level Domains ("TLDs") such as ".com" may be disregarded when considering whether a disputed domain name is identical or confusingly similar to the trademark in which the Complainant has rights (see section 1.11.1 WIPO Overview 3.1).

Therefore, the Panel finds that the disputed domain names are confusingly similar to the Complainant's trademark. Accordingly, the Complainant has made out the first of the three elements that it must establish.

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 disputed domain names.

It is established case law that it is sufficient for the Complainant to make a prima facie showing that the Respondent has no right or legitimate interest in the disputed domain names in order to shift the burden of production to the Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain names (although the burden of proof always remains on the Complainant)(see section 2.1 WIPO Overview 3.1 and Champion Innovations, Ltd. V. Udo Dussling (45FHH), WIPO case No. D2005-1094; Croatia Airlines d.d. v. Modern Empire Internet Ltd., WIPO case No. D2003-0455; Belupo d.d. v. WACHEM d.o.o., WIPO case No. 2004-0110).

The Panel notes that the Respondent has not been commonly known by the disputed domain names and that the Respondent has not acquired trademark or service mark rights. According to the information provided by the Registrar, the Respondent is known as "jean marie fallet". The Respondent's use and registration of the disputed domain names was not authorized by the Complainant. There are no indications that a connection between the Complainant and the Respondent existed.

Fundamentally, a respondent's use of a domain name will not be considered "fair" if it falsely suggests affiliation with the trademark owner. The correlation between a domain name and the complainant's mark is often central to this inquiry. Generally speaking, UDRP panels have found that where a domain name consists of a trademark plus an additional term, such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner (see section 2.5.1 WIPO Overview 3.1). The disputed domain names incorporate the Complainant's COLAS trademark in its entirety, combining it with the geographical term "France" and the descriptive term "construction" or a misspelled variant of this term. In the Panel's view, this combination even increases the risk for confusion as it can easily be considered to refer to the Complainant's country of incorporation and business. Therefore, the Panel finds that the disputed domain names carry a risk of implied affiliation with the Complainant and cannot constitute fair use.

Both disputed domain names appear to resolve to a registrar parking page. In the circumstances of the present case, the Panel finds that this does not amount to a legitimate non-commercial or fair use of the disputed domain names, or use in connection with a bona fide offering of goods and services.

The Respondent had the opportunity to demonstrate rights or legitimate interests but did not do so. In the absence of a Response from the Respondent, the prima facie case established by the Complainant has not been rebutted.

Therefore, the Panel finds that the Complainant has established that the Respondent has no rights or legitimate interests in the disputed domain names. In light of the above, the Complainant succeeds on the second element of the Policy.

Bad faith

The Complainant must prove on the balance of probabilities that the disputed domain names were registered in bad faith and that these are being used in bad faith (see section 4.2 WIPO Overview 3.1 and e.g. Telstra Corporation Limited v. Nuclear Marshmallow, WIPO Case No. D2000-0003; Control Techniques Limited v. Lektronix Ltd, WIPO Case No. D2006-1052).

According to the Panel, the awareness of a respondent of the complainant and/or the complainant's trademark rights at the time of registration can evidence bad faith (see Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz, WIPO Case No. D2011-2209; Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite, WIPO Case No. D2001-1070).

In the present case, the Panel finds that the Respondent must have been aware of the Complainant and its trademark rights when it registered the disputed domain names as:

- the disputed domain names incorporate the Complainant's distinctive trademark in its entirety, and combines it with terms (or misspellings thereof) which can be directly linked to the Complainant;
- the Complainant's mark, covering the Respondent's country of residence, predates the registration of the disputed domain names by approximately 25 years.

The Complainant provides evidence of an active MX record connected to one of the disputed domain names, which suggests that it may be used for email purposes.

In the Panel's view, given the totality of the circumstances discussed above, the fact that the disputed domain names resolve to a standard parking page of the Registrar does not prevent a finding of bad faith under the doctrine of passive holding (see section 3.3 WIPO Overview 3.1).

The Panel also finds that the Respondent has engaged in a pattern of bad faith conduct of targeting the Complainant's COLAS trademark by registering at least 2 domain names including the COLAS trademark in its entirety.

Finally, the Respondent did not formally take part in the administrative proceedings. According to the Panel, this serves as an additional indication of the Respondent's bad faith.

Therefore, the Panel finds that, on the balance of probabilities, it is sufficiently shown that the disputed domain names were registered and are being used in bad faith. In light of the above, the Complainant also succeeds on the third and last element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **colas-france-construction.com**: Transferred
2. **colas-france-constrution.com**: Transferred

PANELLISTS

Name	**Flip Petillion**

DATE OF PANEL DECISION 2026-03-02

Publish the Decision