

Decision for dispute CAC-UDRP-108846

Case number	CAC-UDRP-108846
Time of filing	2026-07-21 10:31:39
Domain names	bouyguesconstruction.sbs

Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	BOUYGUES
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Name	Sahil Khan
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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 multiple trademark registrations incorporating BOUYGUES CONSTRUCTION, including, inter alia:

- United Kingdom Trademark Registration No. UK00901589159 for the mark BOUYGUES CONSTRUCTION (word), registered on May 16, 2001 in class 37;
- International Trademark Registration No. 732339 for the mark BOUYGUES CONSTRUCTION (word), registered on April 13, 2000 in class 37; and
- European Union Trademark Registration No. 001589159 for the mark BOUYGUES CONSTRUCTION (word), registered on May 16, 2001 in class 37.

FACTUAL BACKGROUND

The Complainant, founded in 1952, is an industrial group operating in more than 80 countries worldwide. The Complainant's subsidiary, BOUYGUES CONSTRUCTION, is an international player in the construction and services sectors, with activities encompassing building, public works, energy and related services. The Complainant employs approximately 34,500 people worldwide. The Complainant has also operated domain name <bouygues-construction.com> since 1999.

The disputed domain name was registered on July 11, 2026. At the time of this Decision, the disputed domain name resolves to an

inactive page, but instead results in an error page when accessed by Internet users.

PARTIES CONTENTIONS

The Complainant

The Complainant asserts that each of the elements enumerated in paragraph 4(a) of the Policy and the corresponding provisions in the Rules have been satisfied. In particular, the Complainant asserts that:

(1) the disputed domain name is identical to the Complainant's trademark, since it incorporates the BOUYGUES CONSTRUCTION mark in its entirety. The generic Top-Level Domain (gTLD) ".sbs" does not prevent the likelihood of confusion between the disputed domain name and the Complainant and its trademark;

(2) the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is not affiliated with the Complainant, has no license or authorization to use the BOUYGUES CONSTRUCTION mark, and is not commonly known by the disputed domain name. The disputed domain name resolves to an inactive page, which confirms that the Respondent has no demonstrable plan for its use. Such conduct negates any claim of legitimate interests;

(3) the disputed domain name was registered and is being used in bad faith. Registering the disputed domain name so obviously connected to a well-known mark without authorization is itself evidence of bad faith. Since the disputed domain name incorporates the Complainant's BOUYGUES CONSTRUCTION mark in its entirety, there is reason to believe that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademark. The disputed domain name resolves to an inactive page. Such conduct is clearly designed to create a misleading association with the Complainant and further reinforces the inference of deliberate targeting.

The Complainant requests transfer of the disputed domain name.

The Respondent

The Respondent did not reply to the Complainant's contentions.

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

To succeed, in a UDRP complaint, a complainant must demonstrate that all the elements listed in paragraph 4(a) of the Policy have been satisfied, as follows:

1) that the disputed domain name registered by the Respondent is identical to or confusingly similar to a trademark in which a

complainant has rights;

- 2) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- 3) that the disputed domain name has been registered or is being used in bad faith.

The Respondent had 20 days to submit a response in accordance with paragraph 5(a) of the Rules and failed to do so. Paragraph 5(f) of the Rules establishes that if a respondent does not respond to the Complaint, the Panel's decision shall be based upon the Complaint. The Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions.

The Panel has taken note of the WIPO Overview of WIPO Panel Views on Select UDRP Questions, Edition 3.1 ("WIPO Overview 3.1") and, where appropriate, will decide consistent with the consensus views captured therein.

Identical or Confusingly Similar

According to paragraph 4(a)(i) of the Policy, it should be established that the disputed domain name is identical or confusingly similar to a mark in which the Complainant has rights.

The Complainant has demonstrated ownership of its BOUYGUES CONSTRUCTION trademark in various jurisdictions. The Panel is therefore satisfied that the Complainant has valid registered trademark rights. See WIPO Overview 3.1, section 1.2.1.

With the Complainant's trademark rights established, the remaining question under the first element of the Policy is whether the disputed domain name is identical or confusingly similar to the Complainant's mark. As clarified in WIPO Overview 3.1, section 1.7, this element primarily serves as a standing requirement, and the test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's mark and the disputed domain name, focusing on whether the Complainant's mark is recognizable within the disputed domain name.

The Panel finds that the Complainant's mark is recognizable within the disputed domain name. The disputed domain name incorporates the Complainant's BOUYGUES CONSTRUCTION mark in its entirety, without any additional elements or alterations.

In line with established UDRP practice, the gTLD ".sbs" is disregarded when assessing confusing similarity. See WIPO Overview 3.1, section 1.11.

The Panel therefore concludes that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights, and the requirement under paragraph 4(a)(i) of the Policy is satisfied.

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 name.

While the overall burden of proof remains with the Complainant, UDRP panels have consistently recognized that requiring a complainant to prove a negative would often be impracticable, as the relevant evidence concerning a respondent's rights or legitimate interests is typically within the respondent's knowledge. Accordingly, once the Complainant establishes a prima facie case that the Respondent lacks rights or legitimate interests, the burden of production shifts to the Respondent to demonstrate such rights or legitimate interests under paragraph 4(c) of the Policy.

In the present case, the Complainant asserts that it has not authorized the Respondent to use its BOUYGUES CONSTRUCTION trademark in any manner. The Panel further notes that the Complainant has established trademark rights in BOUYGUES CONSTRUCTION and has confirmed that it has no relationship with the Respondent. The Respondent has not been authorized, licensed, or otherwise permitted to use the Complainant's trademark. There is also no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

At the time of this Decision, the disputed domain name does not resolve to an active website and does not appear to be used for any genuine business purpose. Such use cannot constitute a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy, nor does it qualify as a legitimate noncommercial or fair use without intent for commercial gain under paragraph 4(c)(iii). There is no evidence that, before notice of the dispute, the Respondent made any demonstrable preparations to use the disputed domain name in connection with a legitimate offering of goods or services. Nor is there any evidence that the Respondent has acquired or applied for any trademark rights in "BOUYGUES CONSTRUCTION", or any variation thereof. The manner in which the Respondent has used the disputed domain name indicates an intent to take unfair advantage of the Complainant's reputation, rather than to pursue any legitimate business purpose. In the absence of any legitimate use, the Respondent has failed to demonstrate rights or legitimate interests in the disputed domain name.

Accordingly, the Complainant has established a strong prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has failed to rebut this case or to provide any evidence demonstrating rights or legitimate interests under paragraph 4(c) of the Policy.

Accordingly, the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

Registered and Used in Bad Faith

According to paragraph 4(a)(iii) of the Policy, the Complainant must prove on the balance of probabilities both that the disputed domain name was registered and is being used in bad faith.

The Complainant’s BOUYGUES CONSTRUCTION trademark registrations predate the registration of the disputed domain name. The evidence shows that the Complainant’s trademarks were registered and had already gained substantial recognition well before the Respondent registered the disputed domain name in 2026. The Complainant’s marks are distinctive and well known in the construction and services sectors, where the Complainant enjoys worldwide recognition.

The Respondent’s incorporation of the Complainant’s BOUYGUES CONSTRUCTION trademark in its entirety, merely adding the gTLD “.sbs”, and creates an identical variation. Under WIPO Overview 3.1, section 3.2.1, this composition strongly suggests deliberate targeting.

Although the disputed domain name does not resolve to an active website, Panels have consistently held that passive holding does not preclude a finding of bad faith. Considering the reputation of the Complainant’s mark, the composition of the disputed domain name, and the Respondent’s failure to submit any Response, the Panel finds that the passive holding of the disputed domain name in this case does not prevent a finding of bad faith. WIPO Overview 3.1, section 3.3. See BioNTech SE v. Joseph, [dRIME] [OMNX Inc.], WIPO Case No. D2025-3388.

The Panel further notes that the Respondent has made use of a privacy or proxy service to register the disputed domain name. In the circumstances of the present case it supports an inference that the Respondent sought to conceal its identity. This is considered by the Panel as an additional indicium of bad faith. WIPO Overview 3.1, section 3.6.

On the balance of the evidence, where the Respondent has offered no plausible or supported explanation for the registration of the disputed domain name, the Panel finds that the Respondent’s registration of the disputed domain name was motivated by the notoriety and goodwill of the Complainant’s BOUYGUES CONSTRUCTION trademark. The Respondent’s use of the disputed domain name to host a deceptive, imitation website constitutes a classic example of bad faith under paragraph 4(b)(iv) of the Policy, as it reflects a deliberate effort to exploit the Complainant’s mark to attract users under false pretences.

Taken together, these circumstances demonstrate a deliberate and sustained effort by the Respondent to exploit the Complainant’s reputation and to mislead consumers for commercial gain.

Accordingly, the disputed domain name was both registered and used in bad faith within the meaning of 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. bouyguesconstruction.sbs: Transferred

PANELLISTS

Name	Ganna Prokhorova
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DATE OF PANEL DECISION 2026-08-15

Publish the Decision