

Decision for dispute CAC-UDRP-108894

Case number	CAC-UDRP-108894
Time of filing	2026-08-03 10:03:10
Domain names	colasincs.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)
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Complainant

Organization	COLAS
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Complainant representative

Organization	NAMESHIELD S.A.S.
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Respondent

Name	Luke Collins
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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 several trademarks "COLAS":

- International trademark COLAS No. 753190 registered on February 16, 2001; and
- European trademark COLAS No. 10799559 registered on January 11, 2013.

The Complainant is also the owner of the domain name <colas.com> registered since March 10, 1997.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

THE COMPLAINANT

The Complainant is a French company, a major player in transport infrastructure activities. It designs, builds, and maintains mobility infrastructure and sustainable development projects around the world. It employs around 62,000 people globally and undertakes about 60,000 projects completed via a network of 2,000 construction units and 3,500 material production and recycling sites in

some fifty countries on five different continents. In 2025, the Complainant's consolidated revenue totalled EUR 16 billion.

The Complainant owns several trademarks including the terms "COLAS", such as:

- International trademark COLAS No. 753190 registered on February 16, 2001;
- European trademark COLAS No. 10799559 registered on January 11, 2013.

The Complainant is also the owner of the domain name <colas.com> registered since March 10, 1997.

The disputed domain name <colasincs.com> (hereinafter, the „Disputed Domain Name“) was registered on July 17th, 2026 and resolves to a website displaying the Complainant's logo and impersonating them. Besides, MX servers are configured

According to Complainant's non-contested allegations, the Respondent has no rights or legitimate interest in respect of the Disputed Domain Name and the Complainant is not related in any way to the Complainant's business.

For the purpose of this case, the Registrar confirmed that the language of the registration agreement is English. The facts asserted by the Complainant are not contested by the Respondent.

PARTIES CONTENTIONS

COMPLAINANT:

First element: Similarity

The Complainant states that the Disputed Domain Name is confusingly similar to its trademarks and branded services COLAS.

The addition of the term "INCS" (the plural or possessive form of Inc) is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark COLAS.

Moreover, the Complainant contends that the addition of the gTLD ".COM" does not change the overall impression of the designation as being connected to the Complainant's trademark COLAS. It does not prevent the likelihood of confusion between the Disputed Domain Name and the Complainant, its trademark and its domain names associated.

Finally, past panel confirmed the Complainant's rights over the term "COLAS". Please see for instance WIPO Case No. D2020-2417, COLAS v. Elliott Murray <colas-projects.com>.

Thus, the Complainant is of the opinion that the Disputed Domain Name is confusingly similar to the Complainant's trademark COLAS.

Second element: Rights or legitimate interest

The Complainant asserts that the Respondent is not identified in the WHOIS database as the Disputed Domain Name. Past panels have held that a Respondent was not commonly known by a Disputed Domain Name if the Whois information was not similar to the Disputed Domain Name. Thus, the Respondent is not known as the Disputed Domain Name.

The Complainant contends that the Respondent is not affiliated with nor authorized by COLAS in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name, and he is not related in any way to its business. The Complainant does not carry out any activity for, nor has any business with the Respondent.

Neither licence nor authorization has been granted to the Respondent to make any use of the Complainant's trademark COLAS or apply for registration of the Disputed Domain Name by the Complainant.

Finally, the Disputed Domain Name resolves to a page displaying the Complainant's logo. This page may be used for the purpose of collecting personal information from the Complainant's customers. This use cannot be considered a bona fide offer of services or a legitimate use of domain names, since the website misleads consumers into believing that they are accessing the Complainant's website.

Therefore, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

Third element: Bad faith

The Complainant contends that the Disputed Domain Name is confusingly similar to the trademark COLAS.

The Complainant has been the owner of the international trademark COLAS since as early as 2000. The registration and use of the trademark COLAS therefore significantly predate the Respondent's registration of the Disputed Domain Name. Prior decision confirms the notoriety of the trademark COLAS, see WIPO Case No. D2023-2344, COLAS v. Elsa Linerudt ("The Complainant's trademark COLAS is distinctive and well known").

Besides, the Disputed Domain Name resolves to a website displaying the Complainant's visuals. Thus, given the distinctiveness of

the Complainant's trademarks and reputation, it is inconceivable that the Respondent could have registered the Disputed Domain Name without actual knowledge of Complainant's rights in the trademark, which evidences bad faith.

Moreover, the Disputed Domain Name resolves to a website reproducing the Complainant's visuals.

Therefore, by using the Disputed Domain Name, the Respondent has intentionally attempted to attract, for commercial purposes, internet users to its website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of its website. In addition, the Respondent may collect personal information through this website, including passwords.

As previous decisions have held, bad faith is characterized where the Respondent makes such use of the domain name. Finally, MX servers are configured, which suggests that it may be actively used for e-mail purposes.

On these bases, the Complainant concludes that the Respondent has registered and is using the Disputed Domain Name in bad faith.

RESPONDENT

Respondent did not reply to the Complaint.

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

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

According to Paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements to obtain an order that the Disputed Domain Name should be transferred or cancelled:

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark 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 are being used in bad faith.

The Panel has reviewed in detail the evidence available to it and has come to the following conclusions concerning the satisfaction of the three elements of paragraph 4(a) of the Policy in the proceeding:

(A) THE COMPLAINANT'S RIGHTS AND CONFUSING SIMILARITY OF THE DISPUTED DOMAIN NAME TO THE COMPLAINANT'S RIGHTS.

Paragraph 4(a)(i) of the Policy establishes the obligation of Complainant to demonstrate that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant submitted copies of different trademarks registrations pertaining the term "COLAS" for different services, including chemical products for industrial use, mineral additives, Non-metallic building materials, services for construction, repair, maintenance, etc.

The Complainant's trademarks were registered in March 2001 and the Disputed Domain Name was registered on July 17, 2026.

In assessing confusing similarity, the Panel finds the Disputed Domain Name is confusingly similar to the Complainant's trademark, as it incorporates the entirety of the COLA trademark, as well as the abbreviation "INCS," being the plural or possessive form of "Inc.," the standard English abbreviation for "Incorporated". In this regard, UDRP panels agree that where the relevant trademark is recognizable within the Disputed Domain Name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. See paragraph 1.8. of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition 3.1 ("WIPO Jurisprudential Overview 3.1.).

See WIPO Case Nr. D2012-2034 Arkema France v. Whois Privacy Protection Service, Inc regarding the domain name arkemaincs.com. The panel found the domain name confusingly similar to ARKEMA and specifically addressed "incs": "The effect of the addition of 'incs', short for incorporated, suggest that the Domain Name is a site connected the Complainant's business."

UDRP panels agree that the TLD may usually be ignored for the purpose of determination of identity or confusing similarity between a Disputed Domain Name and the Complainant's trademark as it is technical requirement of registration. See paragraph 1.11.1 of WIPO Jurisprudential Overview 3.1.

Therefore, the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy and the Disputed Domain Name is confusingly similar to Complainant's COLAS mark.

(B) RESPONDENT'S LACK OF RIGHTS OR LEGITIMATE INTERESTS IN THE DISPUTED DOMAIN NAME.

The second element of the Policy requires that the Complainant establishes that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The generally adopted approach, when considering the second element, is that if a complainant makes out a prima facie case, the burden of proof shifts to the respondent to rebut it with relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name; see, for example, CAC Case No. 102333, Amedei S.r.l. v sun xin. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy (see e.g. WIPO case no. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

In this vein, Paragraph 4 (c) provides with circumstances which could prove rights or legitimate interest in the Disputed Domain Name on behalf of the Respondent such as:

(i) before any notice to Respondent of the dispute, Respondent is using or provides with demonstrable preparations to use, the Disputed Domain Name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) The Respondent (as an individual, business, or other organization) has been commonly known by the Disputed Domain Name, even if the Respondent has acquired no trademark or service mark rights; or

(iii) The Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Respondent did not reply to the Complaint despite the efforts made by this Center to notify the Complaint. In this regard, the Complainant has confirmed in the Complaint that the Disputed Domain Name is not connected with or authorized by the Complainant in any way.

From the information provided by the Complainant, there is no evidence or reason to believe that the Respondent (as individual, business or other organization) has been commonly known by the Disputed Domain Name.

The Respondent names "Luke Collins" provided in the Registrar verification dated 31 July 2026 is all what it links the Disputed Domain Name with the Respondent. Absent of any other evidence such as a personal name, nickname or corporate identifier, the Panel is of the opinion that the Respondent is not commonly known by the Disputed Domain Name.

In terms of the evidence provided by the Complainant, the website linked to the Disputed Domain Name has been used to simulate a website which is confusingly similar to Complainant's website. For this purpose, the Complainant presented a screenshot of the website connected to the Disputed Domain Name where the use of the Complainant's trademarks and copyrighted images can be seen.

Furthermore, the Complainant indicated that the Disputed Domain Name may be used to collect personal information from the Complainant's customers. In support of this allegation, the Complainant provided a screenshot of the purportedly infringing website, which features a "Get started" button that may direct users to a contact form.

In this regard, the Complainant argues that by offering the services via the website, the Respondent attempts to mislead consumers into thinking that the services purportedly offered for sale on the website originate from Complainant. The Complainant has confirmed that no license or authorization has been granted to the Respondent to make use of the Complainant's trademark.

Past panels have recognized that resellers, distributors, or service providers using a domain name containing the complainant's trademark to undertake sales or repairs related to the complainant's goods or services may be making a bona fide offering of goods and services and thus have a legitimate interest in such domain name provided the following cumulative requirements ("Oki Data test") are taken into account:

- (i) the Respondent must actually be offering the goods or services at issue;
- (ii) the Respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and
- (iv) the Respondent must not try to "corner the market" in domain names that reflect the trademark.

See paragraph 2.8 of WIPO Jurisprudential Overview 3.0.

From the evidence presented by the Complainant and not contested by the Respondent, the Respondent is offering the Complainant's services without disclosing the Respondent's relationship via a disclaimer of explanation with the Complainant. In fact, the Respondent is using a copyright disclaimer stating "Copyright ©2026 Colas" which reinforces the impression that the Disputed Domain Name should belong to the Complainant.

Furthermore, the Respondent is also using the Complainant's trademark at the top of the website without proper authorization. This use does not meet the criteria laid down in the Oki Data Test and, therefore, the Respondent cannot be considered as acting with goodwill since the current use makes the Panel to believe that the Disputed Domain Name was registered with intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Therefore, the Panel neither finds a bona fide offering of goods and service nor legitimate non-commercial or fair use of the Disputed Domain Name.

In light of the reasons above mentioned, the Panel concludes that the Complainant has satisfied the second element of the Policy.

(C) BAD FAITH REGISTRATION AND USE OF THE DISPUTED DOMAIN NAME.

Paragraph 4(a)(iii) of the Policy indicates that Complainant must assert that the Respondent registered and is using the Disputed Domain Name in bad faith. In this sense, Paragraph 4(b) of the Policy sets out four circumstances which if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the Respondent has registered or acquired the Disputed Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Disputed Domain Name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the domain name; or
- (ii) The Respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) The Respondent has registered the Disputed Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the Disputed Domain Name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product.

The evidence submitted by Complainant confirms that its trademark COLAS is distinctive and they have a strong reputation in the mobility infrastructure and sustainable development industry. In this vein, the Complainant referred to the UDRP WIPO Case No. D2023-2344, COLAS v. Elsa Linerudt by which the Panel indicated the following: "The Complainant's trademark COLAS is distinctive and well known".

Absent of Respondent's reply, the Panel finds that Respondent, prior to the registration of the Disputed Domain Name was aware of Complainant's trademark, in particular since the Disputed Domain Name was registered in July 2026 and Complainant's trademarks were registered long before the registration of the Disputed Domain Name.

In this vein, Past Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

See WIPO Jurisprudential Overview, version 3.1., paragraph 3.1.4

Furthermore, the Complainant provided with evidence showing that the Disputed Domain Name was set up by the Respondent to create a website which offers non authorized versions of Complainant's services with the purpose to mislead internet consumers who are attempting to get authorized services the Disputed Domain Name. In this sense, the Complainant has confirmed that no authorization was granted to the Respondent to register the Disputed Domain Name and no counterargument has been submitted

by Respondent. This is a clear indication that the Disputed Domain Name was set up with the only intention to attract to attract, for commercial gain, Internet users to the Respondent’s website or other on-line location, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s website or location or of a product.

In light of the evidence presented to the Panel, including: a) the likelihood of confusion between the Disputed Domain Name and the Complainant’s COLAS trademarks, b) the lack of reply to this Complaint by Respondent, and c) the fact that the Disputed Domain Name is being used for a website offering non authorized services of the Complainant’s with the purpose to mislead internet consumers, the Panel draws the inference that the Disputed Domain Name was 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. colasincs.com: Transferred

PANELLISTS

Name	Victor Garcia Padilla
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DATE OF PANEL DECISION 2026-08-31

Publish the Decision