Decision for dispute CAC-UDRP-108957

Case number	CAC-UDRP-108957
Time of filing	2026-08-27 09:32:25
Domain names	colas-usa.com

Case administrator

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

Complainant

Organization	COLAS

Complainant representative

Organization	NAMESHIELD S.A.S.

Respondent

Name	Wendy jade

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 owns several registered trademarks for COLAS, including the following trademarks which are all registered for goods and services in classes 1, 19 and 37:

- International work mark COLAS, with registration number 753190, of February 16, 2001, designating, inter alia, Japan, Türkiye, and China;
- European Union word mark COLAS, with registration number 10799559 of January 11, 2013; and
- United States of America (“U.S.”) device mark COLA, with registration number 5598071 of on November 6, 2018.

FACTUAL BACKGROUND

The Complainant is a French company in the field of transport infrastructure with around 62,000 employees globally, which undertakes about 60,000 projects 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 different domain names, including <colas.com> which resolves to its main website, and <colasusa.com> which resolves to its U.S. affiliate’s website.

The disputed domain name was registered on August 2, 2026, and resolves to an index page and is undisputedly used in a phishing scheme.

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

The Respondent did not reply to the Complainant's contentions. However, the consensus view of UDRP panels is that the Respondent's default does not automatically result in a decision in favor of the Complainant. The Complainant must still establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from a respondent's default, paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in these proceedings. Paragraph 14(b) of the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules") provides that, in the absence of exceptional circumstances, the Panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. The Panel finds that in this case there are no such exceptional circumstances.

1. **The disputed domain name is confusingly similar to the Complainant's trademark**

It is well established that the Top Level Domain ("TLD"), in the present case ".com", may be disregarded in the assessment under paragraph 4(a)(i) of the Policy (cf. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.11).

The disputed domain name incorporates the Complainant's trademark COLAS in its entirety, and adds a hyphen with the geographical indication "usa." These additions do not prevent a finding of confusing similarity between the disputed domain name and the Complainant's COLAS trademark (WIPO Overview 3.1, paragraph 1.8).

Consequently, the first element of paragraph 4(a) of the Policy has been met.

2. **The Respondent has no rights or legitimate interests in respect of the disputed domain name**

The Complainant must make a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain

name, which the Respondent may rebut (e.g., Croatia Airlines d.d. v. Modern Empire Internet Ltd., WIPO Case No. D2003-0455).

The Panel takes note of the various allegations of the Complaint and particular, that the Respondent is not affiliated or authorized by the Complainant to use the Complainant's COLAS trademarks in connection with the registration and use of a domain name, and that the Respondent is not commonly known by the disputed domain name. Further, the Complainant alleges that the Respondent uses an e-mail address associated with the disputed domain name so as to attempt to pass itself off as an employee of the Complainant to disrupt the Complainant's business and to obtain personal information from the e-mail recipient. This allegation remained undisputed. Panels have categorically held that the use of a domain name for illegal activity, such as in this case phishing activities, can never confer rights or legitimate interests on a respondent (WIPO Overview 3.1, section 2.13.1).

The Panel therefore finds that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

3. **The disputed domain name has been registered and used in bad faith**

The Panel is satisfied that, when registering the disputed domain name, the Respondent must have had the Complainant and its COLAS trademarks in mind, given that the Complainant registered and used the COLAS trademarks decades before the disputed domain name was registered and, as demonstrated by the Complainant's Annex, used the disputed domain name shortly after its registration to send at least one e-mail which used the Complainant's U.S. affiliate's address details and the Complainant's device mark "COLAS" purportedly to impersonate the Complainant and/or its U.S affiliate. The disputed domain name has therefore been registered in bad faith.

The Panel is also satisfied that the disputed domain name has been used in bad faith as the use of the disputed domain name to send one of more emails impersonating the Complainant or its U.S. affiliate as part of a phishing scheme is manifestly evidence of bad faith use of the disputed domain name (WIPO Overview 3.1, section 3.1.4).

Consequently, the third and last element of paragraph 4(a) of the Policy is also met.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **colas-usa.com**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2026-09-29

Publish the Decision