

ADMINISTRATIVE PANEL DECISION

Vinci and Vinci Construction v. Barry Lockwood, Vinci Constructions Case No. D2025-0524

1. The Parties

The Complainants are Vinci, France, and Vinci Construction, France, represented by Cabinet Regimbeau, France.

The Respondent is Barry Lockwood, Vinci Constructions, United States of America.

2. The Domain Name and Registrar

The disputed domain name <vinciconstructionsuk.com> is registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 10, 2025. On February 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 10, 2025, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainants on February 11, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainants filed an amended Complaint on February 11, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the "Supplemental Rules").

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on February 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 11, 2025.

The Center appointed Tobias Malte Müller as the sole panelist in this matter on March 17, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainants are French companies, active in the field of construction and others. According to the Complainants' undisputed allegations, VINCI runs over 7,000 establishments and subsidiaries in more than 120 countries, employing nearly 280,000 employees worldwide and reached a turnover of EUR 71.623 million in 2023. VINCI CONSTRUCTION is a subsidiary of VINCI and employs 119,000 employees spread in over 100 countries worldwide.

In the United Kingdom, VINCI operates another company, VINCI CONSTRUCTION UK Limited (Company No. 02295904), a subsidiary of VINCI, incorporated in 1988 and using said company name since 2008.

VINCI is the registered owner of several trademarks for VINCI CONSTRUCTION, e.g. European Union trademark No. 003394251, registered on February 21, 2005 for goods and services in classes 6, 19, 35, 36, 37, 39, and 42.

It results from the evidence before the Panel that this trademark has duly been renewed and is in force.

The Respondent registered the disputed domain name on January 5, 2025. It resolves to a parking page which promotes a link to a commercial website of a company specialized in website-building.

5. Parties' Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that,

(1) The disputed domain name identically reproduces the Complainants' prior trademark and company name VINCI CONSTRUCTION followed by an "s" and the sequence "uk". The latter is generally used to refer to the United Kingdom. The Complainants' trademark VINCI CONSTRUCTION particularly stands out, as it appears at the beginning of the domain name;

(2) The Respondent has no connection with the Complainants. In particular it is neither an authorized dealer, distributor or licensee of the Complainants, nor has it been permitted by the Complainants to make use of their prior rights. The Respondent does not have prior rights on the words VINCI CONSTRUCTION, nor is it commonly known under this name, whether as an individual, as a company or as another organization;

(3) The Respondent's behavior corroborates the finding that the disputed domain name has been registered and used in bad faith: (i) the disputed domain name registration constitutes typosquatting; (ii) the Respondent recorded a company name "VINCI CONSTRUCTIONS" in the registration details for the disputed domain name, implying an affiliation with the Complainant and suggesting that the disputed domain name was legitimately registered, which is not true; (iii) email servers are configured for the contested domain name; (iv) the Respondent had actual knowledge of the Complainants' prior rights on the designation VINCI CONSTRUCTION when registering the disputed domain name.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”. Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that disputed domain name 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 is being used in bad faith.

The Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

A. Identical or Confusingly Similar

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 name, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy, [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the VINCI CONSTRUCTION mark is reproduced within the disputed domain name, combined with an “s” and the element “uk”, which is the abbreviation for the United Kingdom. The Panel therefore finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy, [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, “s” and “uk”, may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy, [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of

proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element, [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

In particular, it results from the evidence provided by the Complainants that the disputed domain name is connected to a parking page, featuring a link to a commercial website-building platform. This Panel is of the opinion that such use does not represent a bona fide offering of goods or services and therefore cannot give rise to rights or legitimate interests in the disputed domain name under paragraph 4(c)(i) of the Policy. The fact that the disputed domain name combines the Complainants' trademark VINCI CONSTRUCTION (with a plural "s") with the two-letter abbreviation for the United Kingdom tends to falsely suggest to Internet users a sponsorship or endorsement by the Complainant, which finding is reinforced by the fact that the Respondent used the company name "Vinci Constructions" in the registration details when registering the disputed domain name, whereas there is no evidence before the Panel that the Respondent is actually commonly known by the disputed domain name or "Vinci Constructions".

On the contrary, the Respondent does not appear to have any connection or affiliation with the Complainant.

Finally, the above-described use of the disputed domain name for a parking page featuring a link to a commercial website excludes any noncommercial or fair use in the sense of paragraph 4(c)(iii) of the Policy from the outset.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith, [WIPO Overview 3.0](#), section 3.2.1.

In the Panel's view, the Respondent has intentionally registered the disputed domain name which identically contains the Complainants' trademark. The Panel considers it highly unlikely that the Respondent was unaware of the Complainants and their marks VINCI CONSTRUCTION, identically included in the disputed domain name. These findings are reinforced by the inclusion of the term "uk" in the disputed domain name which makes it nearly identical to a name of an existing company in the Complainants' group of companies. The Complainants also proved that the Respondent is using the disputed domain name to resolve to a parking page which contains a link to a commercial website of a company specialized in website-building.

Finally, further circumstances surrounding the disputed domain name's registration and use confirm the findings that the Respondent has registered and is using the disputed domain name in bad faith:

- (i) the nature of the disputed domain name (identically containing the Complainant's mark and nearly identical to a company name of a Complainant's subsidiary);
- (ii) a clear absence of rights or legitimate interests coupled with no response for the Respondent's choice of the disputed domain name;

(iii) the Respondent used a company name “Vinci Constructions” as a registrant organization in the registration details of the dispute domain name, implying an affiliation with the Complainant, which is not true.

The Panel finds that the Complainant has established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <vinciconstructionsuk.com> be transferred to the Complainant.

/Tobias Malte Müller/

Tobias Malte Müller

Sole Panelist

Date: March 31, 2025