

## ADMINISTRATIVE PANEL DECISION

Bouygues v. Bouygues Construction Australia Pty Ltd, Name Redacted  
Case No. DAU2025-0044

### 1. The Parties

The Complainant is Bouygues, France, represented by Nameshield, France.

The Respondent is Bouygues Construction Australia Pty Ltd, Australia, Name Redacted<sup>1</sup>.

### 2. The Domain Name(s) and Registrar(s)

The disputed domain name <bouygues-constructions.com.au> is registered with Tucows (Australia) Pty Ltd trading as OpenSRS.

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 30, 2025. On October 1, 2025, the Center transmitted by email to Tucows (Australia) Pty Ltd trading as OpenSRS a request for registrar verification in connection with the disputed domain name. On October 1, 2025, Tucows (Australia) Pty Ltd trading as OpenSRS transmitted by email to the Center its verification response providing the contact details for the Respondent.

The Center verified that the Complaint satisfied the formal requirements of the .au Dispute Resolution Policy (the “Policy” or “.auDRP”), the Rules for .au Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .au Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint, and the proceedings commenced on October 6, 2025. In accordance with the Rules, paragraph 5(a), the due date for Response was October 26, 2025. The Respondent did not submit any response.

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<sup>1</sup> The party that undertook registration of the disputed domain name (the Respondent-in-fact) appears to have used the name and/or contact details of an unrelated individual when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted this person’s name from this Decision. However, the Panel has attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of this individual. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in these proceedings and has indicated Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case.

Accordingly, the Center notified the Respondent's default on October 28, 2025.

The Center appointed John Swinson as the sole panelist in this matter on November 4, 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 Complainant is a diversified group of industrial companies headquartered in France. Its businesses are centred on four sectors of activity: construction, energies and services, media and telecoms. Operating in over 80 countries, the Complainant's group net profit attributable to amounted to EUR 56 billion in 2023.

The Complainant's subsidiary Bouygues Construction is involved in the fields of building, public works, energy, and services and has a website at "bouygues-construction.com".

The Complainant operates its construction business in Australia through an Australian subsidiary, namely Bouygues Construction Australia Pty Ltd. The Australian website for this business is located at <bouygues-construction.com.au>.

The Complainant owns Australian trademark registrations, including Australian Registration No. 816373 for BOUYGUES CONSTRUCTION that was filed on December 6, 1999, and entered on the register on March 5, 2001.

The disputed domain name was registered in the name of the Complainant's Australian subsidiary including the Complainant's Australian Business Number. According to the Whois records, the registrant contact details are "Name Redacted" with an email address at "@amg-eng.us" and an address in Colorado, United States of America.

The website at the disputed domain name resolves to a "coming soon" webpage that states: "We're under construction. Please check back for an update soon." The MX records for the disputed domain name are configured.

The Complainant's Australian subsidiary's website at "bouygues-construction.com.au" has a message that states: "SCAM ALERT: Urgent Notice Our domain bouygues-construction.com.au had been targeted by a fraudulent website and mailbox using a cloned name: bouygues-constructions.com.au (with an 's') and bouyguesconstruction-au.com This scam site is illegitimately using our ABN and employee details to appear legitimate. DO NOT engage with or provide information to false email addresses. Always double check you are on our official domain "www.bouygues-construction.com.au" and email @bouygues-construction.com. Please report any suspicious contact to us immediately."

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

In summary, the Complainants make the following submissions:

The disputed domain name is an obvious misspelling of the Complainant's registered trademark BOUYGUES CONSTRUCTION.

The Respondent is known as “BOUYGUES CONSTRUCTION AUSTRALIA PTY LTD”, which is the name of the Complainant’s Australian subsidiary. However, the Complainant contends that the Respondent registered the disputed domain name with this identity in order to pass off as the Complainant. Indeed, the Respondent is not affiliated with nor authorized by the Complainant in any way. The Respondent has no rights or legitimate interests in respect of the disputed domain name and it is not related in any way to the Complainant’s business.

The fact that the Respondent registered the disputed domain name in the name of the Complainant’s subsidiary demonstrates that the Respondent was aware of the Complainant.

The misspelling of the trademark BOUYGUES CONSTRUCTION in the disputed domain name was intentionally designed to be confusingly similar to the Complainant’s trademark.

The disputed domain name has been set up with MX records which suggests that it may be actively used for email purposes. This is also indicative of bad faith registration and use because any email emanating from the disputed domain name could not be used for any good faith purpose.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 4(a) of the auDRP provides that a complainant must prove each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to a name, 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 or subsequently used in bad faith.

The burden of proof of each element is borne by the Complainant.

Paragraph 15(a) of the Rules directs the Panel to decide the 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 the Panel deems applicable.

The onus of proof is on the Complainant.

### **A. Identical or Confusingly Similar**

The first element that the complainant must establish is that the disputed domain name is identical with, or confusingly similar to, the complainant’s name, trademark or service mark.

There are two parts to this inquiry: the complainant must demonstrate that it has rights in a name, trademark or service mark at the date the Complaint was filed and, if so, the disputed domain name must be identical or confusingly similar to the name, trademark or service mark.

The first element functions primarily as a standing requirement.

The Panel finds the Complainant has registered trademark rights for the purposes of the Policy.

The entirety of the Complainant's mark is reproduced within the disputed domain name. The disputed domain name includes a hyphen (rather than a space) between the two words of the Complainant's trademark, and is plural (i.e., has an "s" at the end of the Complainant's trademark). Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy.

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

## **B. Rights or Legitimate Interests**

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances may be situations in which a respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to you of the subject matter of the dispute, your bona fide use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with an offering of goods or services (not being the offering of domain names that you have acquired for the purpose of selling, renting or otherwise transferring); or
- (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or
- (iii) you are making a legitimate non-commercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

The onus of proving this requirement, like each element, falls on the Complainant. Previous panels have recognized the difficulties inherent in proving a negative, however, especially in circumstances where much of the relevant information is in, or likely to be in, the possession of the respondent. Accordingly, it is usually sufficient for a complainant to raise a prima facie case against the respondent under this head and an evidential burden will shift to the respondent to rebut that prima facie case. The ultimate burden of proof, however, remains with the Complainant. See, e.g., *GlobalCenter Pty Ltd v. Global Domain Hosting Pty Ltd.*, WIPO Case No. [DAU2002-0001](#).

In the present case, the disputed domain name has been registered in the name of the Complainant's Australian subsidiary, who clearly has rights to use BOUYGUES CONSTRUCTION. However, the Complainant states that the real registrant who controls the disputed domain name is not the Complainant's subsidiary but a third party. For the purposes of the second element of the Policy, the Panel will treat the third party as the owner of the disputed domain name. This third party has not demonstrated rights or legitimate interests in the disputed domain name. Moreover, use of the name and/or contact details of an unrelated individual when registering the disputed domain name and the use as set out on the Complainant's Australian website, does not give rights or legitimate interests for the purposes of the Policy.

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

## **C. Registered or Subsequently Used in Bad Faith**

Unlike the UDRP, the requirements that the disputed domain name be registered or used in bad faith are disjunctive in the auDRP. That is, it is sufficient for the Complainant to show either that the disputed domain name was registered in bad faith or has been used in bad faith.

Generally speaking, a finding that a domain name has been registered or is being used in bad faith requires an inference to be drawn that the respondent in question has registered or is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

The Complainant alleges that a third party registered the disputed domain name in the name of the Complainant's Australian subsidiary.

The Respondent's conduct demonstrates knowledge of the Complainant and its trademark by the person who registered the disputed domain name. By registering the disputed domain name in the name of the Complainant's subsidiary and using the Complainant's subsidiary's Australian Business Number as part of the registration process, demonstrates that the Respondent specifically knew of and targeted the Complainant. Compare *CAF Nominees Limited and The Charities Aid Foundation v. Adrian Conti, Australian Multi Cultural Charity*, WIPO Case No. [DAU2021-0024](#). This is clear bad faith registration.

Moreover, in the present case, the Complainant alleges that the disputed domain name is being used for the purposes of email fraud. The Respondent has not come forward to deny such allegations. In any case, using the name and/or contact details of an unrelated individual when registering the disputed domain name and falsely registering the disputed domain name in the name of the Complainant's Australian subsidiary is evidence of bad faith.

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

## **7. Decision**

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

/John Swinson/

**John Swinson**

Sole Panelist

Date: November 18, 2025