

ADMINISTRATIVE PANEL DECISION

Vinci Construction v. FREY Maximilian, eurovia-de
Case No. D2025-0658

1. The Parties

The Complainant is Vinci Construction, France, represented by Cabinet Regimbeau, France.

The Respondent is FREY Maximilian, eurovia-de, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <eurovia-de.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 19, 2025. On February 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 19, 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 Complainant on February 20, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on February 24, 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 March 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 26, 2025.

The Center appointed Kaya Köklü as the sole panelist in this matter on April 2, 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 globally active in the construction sector and works on almost 70,000 construction sites every year. It comprises 1,300 companies and around 119,000 employees in over 100 countries.

The Complainant is the registered owner of the EUROVIA trademark. It is, among several others, the registered owner of the French Trademark No. 1439722, registered on May 13, 1988, and the International Trademark Registration No. 521073, registered on February 16, 1988, both for EUROVIA, covering various goods and services as protected in classes 2, 4, 19, 37, 40 and 42.

The Complainant further owns many domain names and operates various websites comprising its EUROVIA trademark, such as "www.eurovia.de" and "www.eurovia.com".

The Respondent is reportedly located in the United States, whereas its true identity remains unclear due to seemingly false or incomplete name and contact information.

The disputed domain name was registered on August 19, 2024.

According to the evidence provided by the Complainant, the disputed domain name resolves to a parking page which promotes a third-party website specialized in website-building.

Also, the Respondent appears to have configured an email server for the disputed domain name, which enables the Respondent to send and receive emails using the disputed domain name.

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 name.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights;
- (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.

Paragraph 4(a) of the Policy states that 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. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel might, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3.

It is further noted that the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views stated therein.

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 3.0](#), section 1.7.

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

The entirety of the EUROVIA mark is reproduced 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 and letters, here "-de", may bear on assessment of the second and third elements, the Panel finds the addition of such letters, does not prevent a finding of confusing similarity between the disputed domain name and the EUROVIA 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 Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Particularly, the Complainant puts forward that the Complainant has no connection with the Respondent, who is neither an authorized dealer, distributor or licensee of the EUROVIA trademark. The Complainant further puts forward that the Respondent is not commonly known by the terms "eurovia-de" or any other similar terms. 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.

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 present case, the Panel notes that the Respondent must have had the Complainant and its EUROVIA trademark in mind when registering the disputed domain name, particularly considering the inherently misleading composition of the disputed domain name, which not only comprises the Complainant's EUROVIA in its entirety, but also the letters "de", which in view of the Panel intentionally creates a confusing similarity with the ".de" ccTLD of Germany as used by the Complainant for its official German website. It is obvious to the Panel that the Respondent has deliberately chosen the disputed domain name to target the Complainant.

As regards bad faith use, the Panel notes that the disputed domain name has apparently yet not been used with active content, except for directing Internet users to a parking page of a third party specialized in website-building. In line with the previous UDRP decisions (e.g., *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)) and section 3.3 of the [WIPO Overview 3.0](#), the Panel believes that such non-use (at least in terms of original content being hosted) of a domain name does not prevent a finding of bad faith use.

Rather, the Panel believes that the inherently misleading nature of the disputed domain name creates a real or implied ongoing threat to the Complainant, since the disputed domain name, even if currently resolving to a parking page only, may be used by the Respondent to mislead customers looking for the Complainant, for example in a false belief that an email sent from the disputed domain name originates from the Complainant. In fact, the Panel is convinced that this is a typical cybersquatting case given the Complainant's official website associated with the domain name <eurovia.de>.

The Panel therefore concludes that the disputed domain name was registered and is being used in bad faith and that the Complainant consequently has satisfied 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 <eurovia-de.com> be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: April 16, 2025