

ADMINISTRATIVE PANEL DECISION

Vinci, Vinci Construction v. habib kaba
Case No. D2025-0659

1. The Parties

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

The Respondent is Habib Kaba, France.

2. The Domain Name and Registrar

The disputed domain name <vinci-constructions-france.com> is registered with Hostinger Operations, UAB (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 20, 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 (DOMAIN ADMIN Privacy Protect, LLC) 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 February 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 20, 2025.

The Center appointed Alexandre Nappey as the sole panelist in this matter on March 21, 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 VINCI, a French company registered under the laws of France since June 25, 1986, under No. 552 037 806 and VINCI CONSTRUCTION, a company registered under the laws of France since December 12, 1988, under No. 348 866 260.

- VINCI is a global leader in the sectors of concessions, energy and construction with over 7,000 establishments and subsidiaries spread across more than 120 countries. Its main website is available at "www.vinci.com";
- VINCI CONSTRUCTION is a subsidiary of VINCI. It is a global leader in the construction sector and currently comprises 1,300 entities and 119,000 employees spread across over 100 countries around the world and works on over 69,000 construction sites every year. Its main website is available at "vinci-construction.com/fr".

Collectively, the 1st and 2nd Complainant are referred to as "the Complainant".

The Complainant is the owner of numerous trademarks "VINCI CONSTRUCTION", among which:

- The French trademark VINCI CONSTRUCTION registered under number 3247127 on February 27, 2004, for goods and services in classes 6, 19, 35, 36, 37, 39 and 42 duly renewed;
- The EU trademark VINCI CONSTRUCTION registered under number 003394251 on February 21, 2005, for goods and services in classes 6, 19, 35, 36, 37, 39 and 42 duly renewed;

The Complainant is also the owner of numerous domain names among which:

- <vinci-construction.com>, registered on May 29, 2000
- <vinci-construction-france.fr>, registered on July 31, 2017
- <vinci-constructionfrance.com>, registered on February 27, 2018

The disputed domain name <vinci-constructions-france.com> was registered on August 21, 2024. The disputed domain name resolves a landing page provided by the Registrar and MX servers are set up.

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.

Notably, the Complainant contends that the disputed domain name <vinci-constructions-france.com> is similar to its earlier trademark VINCI CONSTRUCTION, to the point of creating confusion

Indeed, the disputed domain name contains the trademark VINCI CONSTRUCTION in its entirety with the mere addition of the letter "s" and the word "france" separated with a hyphen which suggests that it is related to the Complainant's French activities and companies.

Then, the Complainant contends that the Respondent has no rights or legitimate interests to use the disputed domain name.

The Complainant claims that the Respondent has no connection with the Complainant in any way. It is not an authorized dealer, distributor or licensee of the Complainant, nor has it been permitted by the Complainant to make use of their prior right.

Third, the Complainant claims that the disputed domain name was registered and is being used in bad faith. The Complainant contends that its trademarks are well-known and have been consistently and extensively used by the Complainant for the last two decades.

Consequently, the Complainant contends that regarding the Complainant's worldwide reputation and its presence on the Internet, the Respondent knew the Complainant's prior trademarks, or at least should have known them, at the time of the registration of the disputed domain name.

The Complainant contends that the addition of the letter "s" at the end of the word "construction" in the disputed domain name constitutes typosquatting. It suggests that the Respondent was aware of and sought to impersonate the Complainant when registering the disputed domain name, thus doing so in bad faith. According to the Complainant, this typosquatting can also characterize a use made in bad faith, as the disputed domain name diverts consumer traffic to third party websites, in this case a parking page, and can be used by third parties passing off as the Complainant for fraudulent purposes.

Moreover, the Complainant claims that email servers are configured for the disputed domain name which is a circumstance indicating bad faith.

B. Respondent

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

6. Discussion and Findings

Notwithstanding the default of the Respondent, the Complainant has the burden of proof to make its case in accordance with paragraph 4(a) of the Policy, and to demonstrate that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark 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.

However, under paragraph 14(b) of the Rules, where a Party does not comply with any provision of the Rules, the Panel "shall draw such inferences therefrom as it considers appropriate".

Having considered the Parties' submissions, the Policy, the Rules, the Supplemental Rules and applicable law, the Panel's findings on each of the above-mentioned elements are the following.

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 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.

Despite the addition of other terms here, the letter “s” at the end of the word “construction” and the word “France” separated by an hyphen may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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 Complainant has 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.

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.

In the present case, the Panel notes that the Complainant has shown that its VINCI CONSTRUCTION trademarks have been registered and used for years.

Thus, taking into consideration the Complainant’s goodwill in the VINCI and VINCI CONSTRUCTION trademarks, and in the absence of arguments or evidence to the contrary, the Panel finds that the circumstances of this case indicate that, on the balance of probabilities, the Respondent knew or should have known about the Complainant and likely registered the disputed domain name to target the Complainant’s marks.

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.

Panels have found that the non-use of a domain name (including a blank or “coming soon” page would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

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 <vinci-constructions-france.com> be transferred to the second Complainant, VINCI CONSTRUCTION, as requested by the Complainant in the complaint.

/Alexandre Nappey/

Alexandre Nappey

Sole Panelist

Date: April 3, 2025