

## **ADMINISTRATIVE PANEL DECISION**

Vinci, Vinci Construction v. Andreas Tanahmas  
Case No. D2025-0667

### **1. The Parties**

The Complainants are Vinci and Vinci Construction, France, represented by Regimbeau, France (hereinafter referred to together as “the Complainant”).

The Respondent is Andreas Tanahmas, Indonesia.

### **2. The Domain Name and Registrar**

The disputed domain name <vinci-cnstruction.com> is registered with Spaceship, 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 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 21, 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 Purposes, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 21, 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 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 27, 2025.

The Center appointed Dawn Osborne as the sole panelist in this matter on April 1, 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 first Complainant VINCI, is a company established in the sectors of concessions, energy and construction, with over 7000 establishments and subsidiaries spread across more than 120 countries. Its turnover reached EUR 71.6 billion in 2023 and it has nearly 280.000 employees worldwide. Its main website is “www.vinci.com”.

The second Complainant, VINCI CONSTRUCTION, is a subsidiary of VINCI. It is an established company in the construction sector, with expertise concentrated in three specific fields:

- infrastructure dedicated to water (water and wastewater treatment plants), energy (solar and wind farms, hydroelectric facilities) and mobility (railroad lines, bicycle paths, etc.);
- construction and renovation of buildings, and more generally, support for public and private-sector entities in relation to urban development and regeneration;
- civil engineering structures, such as bridges, tunnels, dams and major industrial facilities.

(Together “the Complainant”.)

It 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 “vinci-construction.com”.

The Complainant is the owner of numerous trademarks registered worldwide composed, in whole or in part, of the words “VINCI CONSTRUCTION”, including:

- VINCI CONSTRUCTION, French trademark No. 3247127 registered since September 23, 2003, and covering classes 6, 19, 35, 36, 37, 39 and 42;
- VINCI CONSTRUCTION, European Union trademark No. 003394251 registered since February 21, 2005, and designating classes 6, 19, 35, 36, 37, 39, 42;
- VINCI CONSTRUCTION, United Kingdom trademark No. UK00903394251 registered since February 21, 2005, and covering classes 6, 19, 35, 36, 37, 39 and 42; and
- VINCI CONSTRUCTION, International trademark No. 1416410 registered since March 2, 2018, on the basis of the above-listed French trademark, and covering classes 6, 19, 35, 36, 37, 39, 42.

Further, the Complainant owns numerous domain names composed, in whole or in part, of the words VINCI CONSTRUCTION including:

- <vinci-construction.com>, registered on May 29, 2000, and resolving to its main website;
- <vinciconstruction.com>, registered on October 5, 2000;
- <vinci-constructions.com>, registered on February 14, 2014; and
- <vinci-construction.com.co>, registered on February 11, 2022.

Finally, VINCI Group’s company name VINCI CONSTRUCTION has been registered across the world and consistently used since the 1980s, for instance:

- French company VINCI CONSTRUCTION (SIREN No. 348 866 260), registered before Nanterre’s company register in 1988;
- French company VINCI CONSTRUCTION GRANDS PROJETS (SIREN No. 343 088 134), registered before Nanterre’s company register in 1987;
- French company VINCI CONSTRUCTION FRANCE (SIREN No. 380 448 944), registered before Nanterre’s company register in 1991;
- United Kingdom company VINCI CONSTRUCTION UK Limited (Company No. 02295904), a subsidiary of VINCI, incorporated in 1988, which has been using the above-mentioned company name since 2008.

The disputed domain name was registered by the Respondent on November 6, 2024, and has not been used.

## **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 Complainant is the owner of the mark VINCI CONSTRUCTION registered, inter alia, as detailed above.

The disputed domain name is confusingly similar for the purposes of the Policy to the Complainant's prior VINCI CONSTRUCTION mark, omitting a letter "o" and adding a hyphen (mirroring the Complainant's domain name <vinci-construction.com>) none of which prevents confusing similarity between the disputed domain name and the Complainant's mark.

The Respondent is not commonly known by the disputed domain name and has not been authorised by the Complainant to use its mark. The disputed domain name has not been used so there has been no bona fide offering of goods and services or legitimate noncommercial fair use. The Respondent has no rights or legitimate interests in the disputed domain name.

Registration and passive holding of a domain name containing a third party mark with prior rights and reputation, and typosquatting is evidence of registration and use in bad faith.

### **B. Respondent**

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

## **6. Discussion and Findings**

### **Preliminary Issue: Multiple Complainants**

In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), 4.11.1. Here the two Complainants are parent and subsidiary, and each own rights in the VINCI CONSTRUCTION mark. As such they have a common grievance against the Respondent, who has engaged in conduct that has affected them both in a similar fashion, and the Panel holds that it is equitable and procedurally efficient to permit the proceedings to continue with both Complainants.

### **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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the mark is recognisable within the disputed domain name, with the Respondent having merely omitted a letter “o” from the mark within the disputed domain name and added a hyphen. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7, 1.8 and 1.9.

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 recognised 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 Respondent is not commonly known by the disputed domain name and has not been authorised by the Complainant to use its mark. The disputed domain name is not being used and so there is no bona fide offering of goods or services or legitimate noncommercial or fair use.

The disputed domain name differs from the Complainant’s trademark and primary domain name by a single letter “o” and the disputed domain name appears intended to be typosquatting registration – an indication of the Respondent’s knowledge of the Complainant and its mark, and its lack of rights or legitimate interest in the disputed domain name. The disputed domain name is very similar to the Complainant’s mark and carries a risk of affiliation with it. [WIPO Overview 3.0](#), section 2.5.1.

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 Respondent has not used the disputed domain name.

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 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 and reputation of the Complainant’s trademark, and the composition of the

disputed domain name mirroring the Complainant's domain name <vinci-construction.com> and therefore intended to be a typosquatting registration, showing knowledge of the Complainant and its business, 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-cnstruction.com> be transferred to the Complainant.

*/Dawn Osborne/*

**Dawn Osborne**

Sole Panelist

Date: April 9, 2025