

## **ADMINISTRATIVE PANEL DECISION**

Vinci and Vinci Construction v. BIKORIMANA Jean Paul  
Case No. D2025-1040

### **1. The Parties**

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

The Respondent is BIKORIMANA Jean Paul, Rwanda.

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

The disputed domain name <vinci-costruction.com> is registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 13, 2025. On March 14, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 14, 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 ADMINISTRATOR, PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 17, 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 March 17, 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 18, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 8, 2025.

The Center appointed Torsten Bettinger as the sole panelist in this matter on April 11, 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, Vinci, is a company established in the sectors of concessions, energy and construction, with over 7,000 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 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.

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 “www.vinci-construction.com”.

Vinci and Vinci Construction are together hereinafter referred to as “the Complainant”.

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, and 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, and 42.

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

- <vinci-construction.com>, registered on May 29, 2000, 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.

The disputed domain name was registered by the Respondent on February 9, 2025, 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.

With regard to the requirement of “identity or confusing similarity between the trademark and the domain name” pursuant to paragraph 4(a)(i) of the Policy, the Complainant submits that:

- the disputed domain name <vinci-costruction.com> almost identically reproduces the Complainant’s prior rights on the mark VINCI CONSTRUCTION;
- the fact that the first letter “n” is missing within the term “costruction”, is almost unnoticeable within the disputed domain name and is likely to be overlooked;
- consumers that are familiar with the VINCI CONSTRUCTION trademarks and are reading the disputed domain name quickly will tend not to pay attention to this discrepancy and will instead perceive the disputed domain name as Vinci Construction;
- the generic Top-Level Domain (“gTLD”) “.com” must not be taken into consideration when examining the identity or similarity between the disputed domain name and the Complainant’s prior rights.

With regard to the Respondent having no rights or legitimate interests in the disputed domain name, the Complainant submits that:

- the Respondent has no connection with the Complainant in any way and that the Respondent 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 rights;
- the sequence “Vinci Construction” is highly distinctive and has been extensively used, as a company name for almost 40 years, and as a trademark for over 20 years, in relation to construction and civil engineering;
- the Respondent does not have prior rights to the words Vinci Construction or Vinci Costruction, nor is it commonly known under either name, whether as an individual, as a company or as another organization.

Finally, with regard to the disputed domain name having been registered and being used in bad faith, the Complainant argues that:

- the VINCI CONSTRUCTION trademarks have been consistently and extensively used by the Complainant for at least the last two decades, and must be regarded as being well known in many countries across the world;
- the Respondent knew or at least should have known the Complainant’s prior trademarks;
- the disputed domain name exclusively reproduces, although slightly altered, the mark VINCI CONSTRUCTION;
- considering the Complainant’s activities and reputation in France and worldwide, it seems unlikely that the Respondent was not aware of Complainant’s prior rights in VINCI CONSTRUCTION at the time of registering the disputed domain name;
- the Respondent was aware of and sought to impersonate the Complainants when registering the disputed domain name;
- the fact that the disputed domain name resolves to an inaccessible webpage does not prevent a finding of bad faith under the doctrine of passive holding.

## **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 Vinci and Vinci Construction are parent and subsidiary, and each has 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 Vinci and Vinci Construction.

Paragraph 4(a) of the Policy states that the Complainant must prove each of the three following elements:

#### **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 disputed domain name consists of the Complainant's VINCI CONSTRUCTION mark, except for the omission of the letter “n” in the word “construction. The Panel finds that 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.

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 material in the Complaint and its annexes, it is clear that the Complainant's trademark registrations predate the Respondent's registration of the disputed domain name. The Complainant has not licensed, approved, or in any way consented to the Respondent's registration and use of the trademark in the disputed domain name.

The disputed domain name does not resolve to an active website. There is no evidence in this case indicating that the Respondent has used or made any preparations to use the disputed domain name in connection with a bona fide offering of goods or services prior to the dispute. Although given the opportunity, the Respondent has failed to invoke any circumstances which could demonstrate, pursuant to paragraph 4(c) of the Policy or otherwise, any rights or legitimate interests in respect of the disputed domain name.

Furthermore, there is no evidence indicating that the Respondent intends to make a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly

divert consumers or to tarnish the trademark.

The Panel therefore 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 provided evidence of multiple trademark registrations for the VINCI CONSTRUCTION mark that predate the registration of the disputed domain name.

The Panel also notes that the Complainant's trademarks are considered well known according to a number of UDRP decisions cited by the Complainant. . Hence, the Panel concludes that the Respondent knew or should have known the existence of the Complainant's trademarks when registering the disputed domain name.

As it has been established "the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos [...]) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith". [WIPO Overview 3.0](#), section 3.1.4 and *Carrefour SA v. Domain Administrator, See PrivacyGuardian.org / Zhiqiang Chen*, WIPO Case No. [D2022-1851](#).

The fact that there is no evidence that the disputed domain name has not yet been actively used does not prevent a finding of bad faith use.

Although the circumstances listed in paragraph 4(b) of the Policy are all phrased in terms of affirmative actions by the Respondent, it is by now well accepted that the passive holding of a domain name, in certain circumstances, can constitute bad faith use under the Policy. (See, e.g., *Teachers Insurance and Annuity Association of America v. Wreaks Communications Group*, WIPO Case No. [D2006-0483](#); *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#) ("Telstra"); see also [WIPO Overview 3.0](#), section 3.3.) While panels will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include:

- (i) the degree of distinctiveness or reputation of the complainant's mark;
- (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use; [...] and
- (iv) the implausibility of any good faith use to which the domain name may be put.

The circumstances of the present case are sufficiently similar to those present in *Telstra* to establish bad faith passive holding of the disputed domain name.

As noted above, based on the record in this proceeding, the Panel is satisfied that the Complainant's VINCI CONSTRUCTION mark is well known in many countries. Furthermore, the Respondent has not replied to the Complaint nor provided any evidence of actual or contemplated good faith use of the disputed domain name.

Considering that the disputed domain name is a misspelling and typosquatting registration of the Complainant's VINCI CONSTRUCTION trademark, the Panel finds that the circumstances described above demonstrate that the Respondent's registration and passive holding of the disputed domain name amounts to bad faith registration and use of the disputed domain name, such that the Complainant has also 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 <vinci-costruction.com> be transferred to the Complainant, Vinci Construction.

*/Torsten Bettinger/*

**Torsten Bettinger**

Sole Panelist

Date: April 25, 2025