

## **ADMINISTRATIVE PANEL DECISION**

### **VINCI and VINCI Construction v. Habibur Rahman, SDI Academy Case No. D2025-1870**

#### **1. The Parties**

The Complainants are VINCI (the “First Complainant”), France, and VINCI Construction (the “Second Complainant”) (together the “Complainants”), France, represented by Cabinet Regimbeau, France.

The Respondent is Habibur Rahman, SDI Academy, Singapore.

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

The disputed domain name <vinci-constructions.work> is registered with NameCheap, Inc. (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 13, 2025. On May 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainants on May 21, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on May 22, 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 May 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 26, 2025.

The Center appointed Theda König Horowicz as the sole panelist in this matter on July 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 First Complainant, Vinci, is a company established in the sectors of concessions, energy and construction, with establishments and subsidiaries spread across more than 120 countries. It has been active since 1986.

The Second Complainant, Vinci Construction, is a subsidiary of the First Complainant, 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 has been active since 1988.

The Complainants are the owners 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; and
- VINCI CONSTRUCTION, United Kingdom trademark No. UK00903394251 registered since February 21, 2005, and covering classes 6, 19, 35, 36, 37, 39, and 42.

Further, the Complainants own 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 and <vinci-constructions.com>, registered on February 14, 2014.

The disputed domain name was registered on March 24, 2025, and resolved to a parking page comprised of pay-per-click ("PPC") links.

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

##### **A. Complainants**

The Complainants contend that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that the disputed domain name is almost identical thus confusingly similar to the Complainants' prior VINCI CONSTRUCTION trademarks, domain names and company names. The letter "s" at the end of "vinci-constructions" is insufficient to differentiate this sequence from the Complainants' trademark and amounts to typosquatting.

Furthermore, the Complainants claim that the Respondent has no rights or legitimate interests in the disputed domain names. The Respondent has no connection with the Complainants in any way. It is thus not an authorized dealer, distributor, or licensee of the Complainants, nor has it been permitted by the Complainants to make use of their prior right.

Finally, the Complainants state that the disputed domain name was registered and is being used in bad faith. The worldwide reputation of the Complainants, the long-standing use of their trademarks worldwide, their presence on the Internet, the fact that the disputed domain name reproduces the VINCI CONSTRUCTION trademark and leads to a parking page and that the Respondent used a privacy service to register the disputed domain name constitute sufficient findings of bad faith use and registration.

## **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

## **6. Discussion and Findings**

### **6.1. Preliminary Issue: Multiple Complainants**

Paragraph 10(e) of the UDRP Rules grants a panel the power to consolidate multiple domain name disputes. 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](#)"), section 4.11.1.

In this case, the Second Complainant, Vinci Construction is a wholly owned subsidiary of the First Complainant, Vinci. Therefore, they share a common legal interest in the VINCI CONSTRUCTION trademark and just as they have a common grievance against the Respondent, who has engaged in conduct that has affected them both in a similar fashion.

The Panel finds that in this case the consolidation would be equitable and procedurally efficient, and the Panel therefore accepts the consolidation of the Complainants.

### **6.2. Substantial issues**

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. Paragraph 4(a) of the Policy directs that a complainant must prove each of the following:

- (i) that the disputed domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) that the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

Paragraph 4(a) of the Policy states that the burden of proving that all these elements are present lies with the Complainant. At the same time, in accordance with paragraph 14(b) of the Rules, if a party, in the absence of exceptional circumstances, does not comply with any provision of, or requirement under, the Rules, or any request from the Panel, the Panel shall draw such inferences therefrom as it considers appropriate.

## **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 Complainants have shown rights in respect of the trademark VINCI CONSTRUCTION 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. The only difference is the addition in the disputed domain name of a hyphen and the letter "s" in the word "construction". This misspelling does obviously not prevent a finding of confusing similarity for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 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 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 Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants' 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 Respondent has not offered any explanation for having registered a domain name that is confusingly similar to the Complainant's distinctive trademark VINCI CONSTRUCTION and its official domain names <vinci-construction.com> and <vinci-constructions.com>. Given the circumstances of the case, it is inconceivable to the Panel in the current circumstances that the Respondent registered the disputed domain name without prior knowledge of the Complainant and its mark. The Panel therefore finds that the disputed domain name was registered in bad faith.

The disputed domain name resolved to a website featuring PPC links, some of which were related to the Complainant's industry. The Panel finds that such use constitutes bad faith under paragraph 4(b)(iv) of the Policy.

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

## **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.work> be transferred to the Second Complainant.

*/Theda König Horowicz/*

**Theda König Horowicz**

Sole Panelist

Date: July 28, 2025