

## **ADMINISTRATIVE PANEL DECISION**

**Brand Energy Holdings B.V. v. Sénégal Global Bâtisse Groupe (SGB Groupe)**

**Case No. D2025-1883**

### **1. The Parties**

The Complainant is Brand Energy Holdings B.V., Netherlands (Kingdom of the) (“the Netherlands”), represented by MKM + PARTNER Rechtsanwälte PartmbB, Germany.

The Respondent is Sénégal Global Bâtisse Groupe (SGB Groupe), Senegal.

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

The disputed domain name <sgbgroupe.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 May 12, 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 confirming that the Respondent is listed as the registrant and providing the contact details. The Complainant filed an amended Complaint on June 2, 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 June 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 3, 2025.

The Center appointed Steven A. Maier as the sole panelist in this matter on August 6, 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 a company located in the Netherlands. It provides commercial scaffolding services, equipment hire and sales, and access solutions.

The Complainant is the owner of trademark registrations for the mark SGB, including the following examples:

- European Union trademark registration number 002964013 for a figurative mark SGB, registered on June 1, 2004, in various International Classes;
- Indian trademark registration number 524976 for the word mark SGB, registered on February 21, 1990, in International Class 19; and
- Australian trademark registration number 940293 for a figurative mark SGB, registered on January 15, 2003, in various International Classes.

The Complainant operates a website at “www.sgbgroup.com”, which redirects to “www.formwork.sgbgroup.com”.

The disputed domain name was registered on July 1, 2024.

The Complainant provides evidence that, on May 7, 2025, the disputed domain name resolved to a website claiming to represent “SGB Groupe” and offering access to construction services and equipment.

As of June 5, 2025, and at the date of this Decision, the disputed domain name did not resolve to any active website.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant states that its brand SGB was founded in 1919 and has played a major role in the development of the scaffolding industry for over 100 years. It submits that SGB is part of the BrandSafeway global group, with 360 branches and 40,000 employees worldwide. It states that its SGB trademark has been used extensively in Europe, the Middle East and the Far East, and that it operates a regional network across the Middle East and Africa.

The Complainant contends that the disputed domain name is confusingly similar to its trademark SGB, comprising that trademark together with the term “groupe”, which is the French word for “group”.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it has no relationship with the Respondent and has never authorized it to use its SGB trademark, that the Respondent has not commonly been known by the disputed domain name, and that the Respondent is not making any bona fide commercial use of the disputed domain name. It contends that online searches, including those of business records, do not reveal any legitimate entity under the name “SGB Groupe”.

The Complainant submits that the disputed domain name has been registered and is being used in bad faith. It states that its trademark SGB is well known in the construction sector, that the Respondent purports to offer services identical to those of the Complainant, and that the confusion caused by the disputed domain name is likely to cause harm to the Complainant and its business.

The Complainant requests the transfer of the disputed domain name.

## **B. Respondent**

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

## **6. Discussion and Findings**

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are 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.

### **A. Identical or Confusingly Similar**

The Complainant has established that it is the owner of registered trademark rights for the mark SGB. The disputed domain name wholly incorporates that mark, together with the term "groupe", which does not prevent the Complainant's trademark from being recognizable within the disputed domain name.

The Panel therefore finds that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

### **B. Rights or Legitimate Interests**

In the view of the Panel, the Complainant's submissions set out above give rise to a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file a Response in this proceeding, and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise.

While the Respondent appears at one time to have used the disputed domain name for the purpose of a website offering construction services, the Panel finds that website more likely to have been a pretext for targeting the Complainant's trademark than to have represented any genuine business venture. The Panel makes this finding principally for the following reasons.

First, the Panel accepts that the Complainant's trademark SGB is widely known, worldwide, within the construction sector. The Respondent has adopted that trademark, together with the addition "groupe", purportedly to offer similar services, but without any explanation for that choice of name.

Secondly, the Panel accepts the Complainant's (uncontradicted) submission that it has been unable to find evidence of any legitimate entity named "SGB Groupe". Similarly, a Google search conducted by the Panel itself against the term "sénégal global bâtisse" did not produce any results corresponding to that name.<sup>1</sup>

Thirdly, the Respondent appears to have ceased to operate the website in question at some time between May and June 2025. Again, this factor is not suggestive of a genuine ongoing business venture.

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<sup>1</sup>As discussed in section 4.8 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision.

The Panel finds in the circumstances that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

### **C. Registered and Used in Bad Faith**

For similar reasons as set out in respect of the second element, above, the Panel finds that the disputed domain name was registered and is being used in bad faith.

Based on the reputation of the Complainant's SGB trademark in the construction sector, and the Respondent's failure to explain its choice of the disputed domain name, supposedly to offer similar services, the Panel infers on balance that the Respondent was aware of the Complainant's SGB trademark at the time it registered the disputed domain name, and did so in order to take unfair advantage of the goodwill attaching to that trademark.

Having found also that the Respondent's (now defunct) website did not represent any bona fide commercial venture, the Panel further concludes, on balance, that the Respondent registered the disputed domain name in order to cause confusion to Internet users and that, by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation, or endorsement of its website or of a product or service on its website (paragraph 4(b)(iv) of the Policy).

The Panel therefore finds that the disputed domain name has been registered and is being used in bad faith.

### **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 <sgbgroupe.com> be transferred to the Complainant.

*/Steven A. Maier/*

**Steven A. Maier**

Sole Panelist

Date: August 13, 2025