

ADMINISTRATIVE PANEL DECISION

COLAS v. Name Redacted

Case No. D2025-2728

1. The Parties

The Complainant is COLAS, France, represented by Charlotte Vedrenne, France.

The Respondent is Name Redacted.

2. The Domain Name and Registrar

The disputed domain name <colas-inc.com> (the “Domain Name”) is registered with GMO Internet, Inc. d/b/a Discount-Domain.com and Onamae.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 10, 2025. On July 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 11, 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 Center sent an email communication to the Complainant on July 11, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

The Center verified that the 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 July 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 11, 2025. The Center commenced the panel appointment process on August 11, 2025.

During the course of the proceedings, the Center received email communications from individuals associated with a company, whose name appeared in the Registrar’s verification response as the registrant of the Domain Name. In their correspondence, these individuals requested an extension of time to respond to the

Complaint and expressed concern that their company's identity details had been misappropriated for the purpose of registering the Domain Name.

The Center appointed Ana María Pacón as the sole panelist in this matter on August 26, 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 global leader in the design, construction, and maintenance of transport and sustainable development infrastructure. Founded in 1929 and headquartered in France, the Complainant operates in some 50 countries, employs more than 64,000 people, and in 2024 reported consolidated revenue of EUR 15.9 billion.

In the United States of America ("the United States"), the Complainant has been active since 1979 through its subsidiary COLAS Inc., the parent company of eight subsidiaries with more than 5,000 employees and over 50 regional offices.

The Complainant owns several trademark registrations containing the expression "COLAS" throughout the world, including:

- International Registration No. 1380590 for COLAS and logo, registered on July 26, 2017, and covering goods and services in international classes 1, 19 and 37, including the United States.
- United States Trademark Registration No. 1760863 for COLAS and logo, filed on February 6, 1992, and registered on March 30, 1993, covering goods in international classes 1 and 19;
- United States Trademark Registration No. 4308938 for COLAS, filed on August 1, 2012, and registered on March 26, 2013, covering goods and services in international classes 1, 19 and 37.

The Complainant also owns the domain name <colas.com> which reflects its COLAS trademark. This domain name was registered on March 10, 1997, and is valid until March 11, 2026.

The Domain Name was registered on May 17, 2025. The Domain Name is inactive. Nevertheless, evidence shows that it has been used in connection with fraudulent emails and purchase orders purporting to originate from COLAS Inc., using email addresses such as "[...].@colas-inc.com".

The Panel has taken note of the communications made by personnel of a company, which are consistent with the evidence on record indicating that the Domain Name was registered by an unknown third party without the involvement of the named registrant. In light of this, the Panel has ordered that the Respondent's identity be redacted from this Decision, as reflected in Annex 1.

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 Domain Name.

Notably, the Complainant contends that:

- The Domain Name is confusingly similar to its registered COLAS trademarks. The addition of the term "inc" does not prevent confusion but rather increases it, given that COLAS Inc. is the Complainant's United States subsidiary.

- The Respondent has no rights or legitimate interests in the Domain Name. The registrant details appear inconsistent and likely reflect an impersonation of a third party. The Domain Name has been used to create fraudulent email addresses and purchase orders.
- The Domain Name was registered and used in bad faith, as evidenced by phishing attempts directed at the Complainant's suppliers, using COLAS's name and reputation for commercial gain.

The Complainant requests the transfer of the Domain Name.

B. Respondent

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

6. Discussion and Findings

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 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 Domain Name. Accordingly, the Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here the descriptive suffix "-inc", may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Regarding the addition of the generic Top-Level Domain ("gTLD"), here ".com", as is generally accepted, the addition of a gTLD such as ".com" is merely a technical registration requirement and as such is typically disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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 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 Domain Name such as those enumerated in the Policy or otherwise.

In particular, the Panel notes the following:

- The Complainant has not authorized the Respondent to use its COLAS trademark.
- There is no relationship between the parties.
- Prior to the notice of the dispute, the Respondent has not used, nor made demonstrable preparations to use, the Domain Name in connection with a bona fide offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2.
- The Respondent (as an individual, business, or other organization) has not been commonly known by the Domain Name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3. On the contrary, the Domain Name is confusingly similar to the Complainant's COLAS trademark, with the addition of "-inc", directly referring to the Complainant's United States subsidiary, COLAS Inc.
- The Respondent is not making a legitimate noncommercial or fair use of the Domain Name without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trademark. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4.
- The record contains no other factors demonstrating rights or legitimate interests of the Respondent in the Domain Name.

Panels have consistently held that the use of a domain name for illegal activity, such as impersonation, identity theft, or passing off, can never confer rights or legitimate interests. [WIPO Overview 3.0](#), section 2.13.1; see *Lutosa v. Name Redacted*, WIPO Case No. [D2021-0809](#). Furthermore, the use of a third party's identity in the Whois data does not confer any rights or legitimate interests to the registrant. See *Allianz SE v. IP Legal, Allianz Bank Limited*, WIPO Case No. [D2016-0130](#); *Accor SA v. WhoisGuard Protected*, WIPO Case No. [D2017-2192](#). In the present case, the use of the name and contact details of a real company and individual unconnected with the registration reinforces the conclusion that the Respondent has no rights or legitimate interests in the Domain Name.

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.

The Complainant's COLAS trademark has been registered and used internationally for decades and enjoys a significant reputation, including through its United States subsidiary COLAS Inc. The Domain Name, incorporating this mark with the suffix "-inc", was registered long after the Complainant's rights were established.

Several UDRP panels have concluded that registering a domain name with knowledge of another company's rights and with the intention to divert traffic can indicate bad faith registration (see *Digital Spy Limited v. Moniker Privacy Services and Express Corporation*, WIPO Case No. [D2007-0160](#); *PepsiCo, Inc. v. "null", aka Alexander Zhavoronkov*, WIPO Case No. [D2002-0562](#); and *The Gap, Inc. v. Deng Youqian*, WIPO Case No. [D2009-0113](#)).

The Panel finds that the Respondent's conduct falls squarely within this provision. Evidence shows that the Domain Name was used to send fraudulent emails and a purchase order to the Complainant's supplier, with the intent of misleading the supplier into believing that it was dealing with COLAS Inc. The fraudulent purchase order, valued at over USD 44,000, contained COLAS's trademark and corporate details, but directed delivery to a different, unrelated address (see *Ares Management LLC v. Omelchenko Aleksei*, WIPO Case No. [D2023-0836](#); *FLRish IP, LLC v. prince zvomuya*, WIPO Case No. [D2019-0868](#)).

Furthermore, the Whois data associated with the Domain Name lists an actual company and individual that appears to have no connection to the registration or use of the Domain Name. The use of third-party identity details strongly suggests that the true registrant concealed its identity to perpetrate fraud, consistent with findings of bad faith registration in prior UDRP decisions. [WIPO Overview 3.0](#), section 3.6; see *Boehringer Ingelheim International GmbH v. WhoisGuard, Inc. / Jan Kowalski*, WIPO Case No. [D2017-0970](#).

The Domain Name is also confusingly similar to the Complainant's <colasinc.com> domain name, used for official communications. This deliberate targeting further underscores bad faith intent.

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 Domain Name <colas-inc.com> be transferred to the Complainant.

/Ana María Pacón/

Ana María Pacón

Sole Panelist

Date: September 11, 2025