

ADMINISTRATIVE PANEL DECISION

Breedon Group plc v. Óscar Razo
Case No. D2025-3037

1. The Parties

The Complainant is Breedon Group plc, United Kingdom, represented by SafeNames Ltd., United Kingdom.

The Respondent is Óscar Razo, Spain.

2. The Domain Name and Registrar

The disputed domain name <breedongrpup.com> is registered with IONOS SE (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 30, 2025. On July 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 31, 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 Complainant on July 31, 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 August 1, 2025.

On July 31, 2025, the Center informed the parties in Spanish and English, that the language of the registration agreement for the disputed domain name is Spanish. On August 1, 2025, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 August 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 26, 2025. The Respondent did not submit any response.

Accordingly, the Center notified the Respondent's default on August 27, 2025.

The Center appointed Gustavo Patricio Giay as the sole panelist in this matter on September 3, 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 leading construction materials group and the largest independent construction materials company in the United Kingdom. Founded in 2010, the Complainant is headquartered in England. With approximately 4,900 employees, the Complainant generated an annual revenue of GBP 1.6 billion in 2024 and operates its main website at "www.breedongroup.com".

The Complainant has expanded its operations through a series of acquisitions and joint initiatives. These include the purchase of Missouri-based Lionmark Construction Companies in March 2025 for GBP 187 million, which is expected to more than double its revenue in the United States of America, the acquisition of Phoenix Surfacing, Micromix (Northern) Ltd in June 2021, and Severn Sands Ltd in August 2022.

The Complainant is also recognized for its sustainability practices. In 2022, it partnered with Nynas to introduce a new asphalt line reducing carbon emissions by up to 60%, and it achieved platinum status in the Northern Ireland Environmental Benchmarking Survey. The Complainant also invests in professional development through its Apprenticeship scheme, launched in 2023, which offers opportunities to individuals without prior work experience across England, Scotland, Wales, and Ireland.

Moreover, the Complainant is the owner of the trademark BREEDON in many jurisdictions, including European Union Intellectual Property Office (EUIPO) Reg. No. 018341835, registered since May 22, 2021, in classes 6, 7, 12, 19, 37, and 39; and United Kingdom Intellectual Property Office (UKIPO) Reg. No. 00003161238, registered since July 29, 2016, for classes 6, 7, 12, 19, 37 and 39, and UKIPO Reg. No. 00003558021, registered since April 23, 2021, for classes 6, 7, 12, 19, 37 and 39.

The Complainant claims to have established social media presence. The Complainant's social media platforms include: LinkedIn, Facebook, X and Instagram.

In addition, the Complainant has Internet presence through its official website "www.breedongroup.com" registered since August 24, 2010.

As demonstrated by the Complainant in Annex 18, the Complainant tried to solve this matter amicably by sending a cease-and-desist letter to the Respondent on July 4 and 11, 2025, but did not receive a response.

Lastly, the disputed domain name was registered on December 20, 2024, and it resolves to an inactive site with active MX servers.

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.

The Complainant states that the disputed domain name is confusingly similar to its trademark BREEDON on which the Complainant has prior rights.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant is not related to the Respondent in any way and has not established any activity and/or business with the Respondent.

More specifically, the Complainant alleged that the Respondent is passively holding the disputed domain name.

Finally, the Complainant requests the Administrative Panel appointed in this administrative proceeding that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

6.1. Language of the Proceeding

Pursuant to paragraph 11 of the Rules, unless otherwise agreed by the parties, the default language of the proceeding is the language of the registration agreement, subject to the authority of the panel to determine otherwise.

As indicated above, the Center has informed the Parties that the language of the registration agreement for the disputed domain name is Spanish. Nevertheless, the Complainant has filed the Complaint in English and has confirmed its request for the language of the proceeding to be English.

The Respondent did not oppose the Complainant's language request when asked by the Center to comment thereon.

Noting the aim of conducting the proceedings with due expedition, paragraph 10 of the Rules vests a panel with authority to conduct the proceedings in a manner it considers appropriate while also ensuring both that the parties are treated with equality and that each party is given a fair opportunity to present its case.

The Panel finds that ordering the Complainant to translate the Complaint, in view of the costs involved, would imply a significant burden to the Complainant, in addition to an unwarranted delay in the proceeding.

The Respondent failed to answer the Complaint and did not oppose the Complainant's language request when it was given the opportunity to do so.

In view of the foregoing, the Panel decides that the language of the proceeding is English.

6.2. Substantive matter

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove each of the following, namely that:

- (i) the disputed domain name is identical or confusingly similar with a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interest in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

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 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 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.

Moreover, the ".com" generic Top-Level Domain ("gTLD") is viewed as a standard registration requirement and is generally disregarded under the first element of the confusing similarity test, as set forth in section 1.11.1 of [WIPO Overview 3.0](#).

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 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 Complainant has claimed not to have authorized, licensed, or permitted the Respondent to register or use the disputed domain names or to use the BREEDON trademark nor there is any other evidence in the file suggesting that the Respondent has or could have rights or legitimate interest in the disputed domain names. Also, the Complainant has prior rights in the BREEDON trademark which clearly precede the Respondent's registration of the disputed domain names.

Likewise, it does not seem that the Respondent made nor is making a legitimate noncommercial or fair use of the disputed domain name. In this regard, the Complainant demonstrated that the disputed domain name redirect users to a website that resolves to an inactive site that lacks content. The latter evidences that the Respondent has not demonstrated any attempt to make a legitimate use of the disputed domain name or constitute a bona fide offer of goods and services.

Additionally, the disputed domain name is confusingly similar to the domain name <breedongroup.com> registered by the Complainant since 2010, which is likely to create confusion amongst Internet users.

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 such connection, the Complainant has submitted evidence to support that the trademark BREEDON is widely known and was registered and used many years before the Respondent registered the disputed domain name. When registering the disputed domain name, it is likely that the Respondent has targeted the Complainant's trademark BREEDON to create confusion among the Internet users. The disputed domain name is also confusingly similar to the Complainant's official domain name. Therefore, the Panel is satisfied that the Respondent must have been aware of the Complainant and the Complainant's trademark BREEDON when it registered the disputed domain name. Consequently, and in accordance with section 3.1.4 of [WIPO Overview 3.0](#), the Panel considers that the inclusion of the Complainant's BREEDON trademark in the disputed domain name creates a presumption that the disputed domain name was registered on a bad faith basis.

The disputed domain name resolves to an inactive site. Panels have found that the non-use of a domain name (including a blank or "coming soon" page) 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 or reputation of the Complainant's trademark, and the composition of the disputed domain name, the implausibility of any good faith use to which the disputed domain name may be put 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.

Even more, the Respondent has ignored the cease-and-desist letter from the Complainant, which aimed at resolving this matter amicably outside of this administrative proceeding.

Besides, the Complainant proved that MX records have been set up for the disputed domain name, which would enable the Respondent to send emails under a domain name that is confusingly similar to the Complainant's mark and domain name, such as phishing emails. This underscores the Respondent's bad faith in both registering and utilizing the disputed domain name.

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 <breedongrpup.com> be transferred to the Complainant.

/Gustavo Patricio Giay/

Gustavo Patricio Giay

Sole Panelist

Date: September 17, 2025