

ADMINISTRATIVE PANEL DECISION

Breedon Group plc v. Brooke Irey
Case No. D2025-3178

1. The Parties

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

The Respondent is Brooke Irey, United States of America ("United States" or "U.S.").

2. The Domain Name and Registrar

The disputed domain name <breedon-group.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 8, 2025. On August 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 12, 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 Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 12, 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 15, 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 August 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 10, 2025.

The Center appointed Harini Narayanswamy as the sole panelist in this matter on September 19, 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 was founded in 2010 and is in the business of construction material. With its headquarters in the United Kingdom and operations in United States, and Ireland, it is an AIM listed company under the London Stock Exchange. Its website is hosted from the domain name <breedongroup.com> and uses the trademark BREEDON in connection with its business.

The Complainant's trademark registrations for the BREEDON mark include:

BREEDON device mark, United Kingdom trademark registration number UK00003161238 registered July 29, 2016, under classes 6,7,12, 19, 37, and 39;

BREEDON word mark, United Kingdom trademark registration number UK00003558021 registered April 23 2021, under classes 6,7,12, 19, 37, and 39 and

BREEDON word mark European Union trademark registration number 018341835 registered May 22, 2021, under classes 6,7,12, 19, 37, and 39

The Respondent registered the disputed domain name on December 12, 2024, which is currently parked. There is no apparent use being made of the disputed domain name. Although no website has been put up by the Respondent, mail exchange (MX) records are set up for the disputed domain name for sending and receiving emails.

The Complainant has sent a notice to the Respondent via the privacy service on July 4, 2025, and it was followed up with another notice on July 11, 2025. No response or reply was received to the notices from the Respondent.

5. Parties' Contentions

A. Complainant

The Complainant states it is one of the largest independent construction materials groups in the United Kingdom with operations in the United States, and Ireland. The Complainant states that it has around 4,900 employees and its revenues are about GBP 1.6 billion in 2024.

The Complainant states it has expanded its business through worldwide acquisitions of several companies such as "Lionmark Construction Companies", a Missouri, United States based company for GBP 187 million and expects to more than double its revenue in the United States. Its other acquisitions include "Micromix (Northern) Ltd." in June 2021 and "Severn Sands Ltd." in August 2022. It has also entered into a joint initiative with Network Rail, and the Welsh Government, United Kingdom to renovate a freight yard.

The Complainant states that it is well known for its sustainability practices and strategies. In September 2022, it partnered with Nynas to be the first asphalt manufacturer and contractor in the United Kingdom to introduce a new line of asphalt which reduces carbon footprint by up to 60 %. In November 2022, the Complainant states it achieved platinum in the Northern Ireland Benchmarking Survey for sustainability practices. It also received approval of the Science Based Targets Initiative in 2024 and was nominated for a Biodiversity Award for two of its quarries, which the Complainant alleges have become thriving habitats.

The Complainant's charitable activities include supporting Lighthouse Charity and raising funds for the Peak District National Park and it has invested GBP 45,000 into Belfast Partnership which aims to improve the management of hills through collaborations. The Complainant states it is running an apprenticeship program for persons with no experience in England, United Kingdom, Wales, United Kingdom, Scotland, United Kingdom, and Ireland.

Notably, the Complainant contends that its mark is also visible through its sports sponsorships such as its sponsorship of Leicester Tigers Rugby Club which has been renewed for the men and women's team for the 2024-25 season. It is also a partner of the Irish Football Club Lamh Dhearg and a sponsor of their senior teams. The Complainant states that it also promotes its BREEDON mark through its social media.

The Complainant states that: (i) The disputed domain name is confusingly similar to its mark. (ii) The Respondent lacks rights or legitimate interest in the disputed domain name and is not connected with the Complainant or authorized to use its mark. (iii) The disputed domain name was registered and is being used in bad faith. The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

The three elements that the Complainant has to establish under paragraph 4 (a) of the Policy to obtain transfer of the disputed domain name are:

- (i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) The Respondent lacks rights or legitimate interests in the disputed domain name; and
- (iii) The disputed domain name was registered and is being used in bad faith by the Respondent.

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 provided evidence of its registered trademarks for the BREEDON mark. The Complainant's trademark registration satisfies the threshold requirement of having rights in the mark. The Complainant has accordingly 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 Complainant's mark BREEDON is reproduced within the disputed domain name along with the additional term "group" preceded by a hyphen. It is well established that where the mark is recognizable in the disputed domain name, any additional terms or words does not prevent a finding of confusing similarity between the disputed domain name and the mark. The Panel finds 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.

The Complainant has submitted that the Respondent has no authorization or license to use its mark. The Complainant argues that the use of its mark in the disputed domain name creates a false and misleading impression of implied affiliation with its business. The Panel finds the Respondent is not known by the disputed domain name and has not responded or shown any legitimate reasons for use of the mark in the disputed domain name. The Panel agrees with the Complainant’s submission that Internet users are likely to assume that the disputed domain name is affiliated to the Complainant or is endorsed by the Complainant and is likely to mislead Internet users.

The Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. This is consistent with UDRP panels’ views that when circumstances indicate a disputed domain name is registered to capitalize of the reputation or goodwill of a complainant’s mark, passive holding of such a domain name by a respondent does not constitute bona fide use and is not indicative of 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 Panel finds the second element of the Policy has been established by the Complainant.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may also be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

- (i) Circumstances indicate that the Respondent has registered or acquired the domain name primarily for purpose of selling, renting, or otherwise transferring the domain name registration to the Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of Respondent’s documented out-of-pocket costs directly related to the domain name; or
- (ii) The Respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or
- (iii) the Respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) By using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location.

In the present case, the Panel notes that the Complainant's trademark is distinctive and known. Besides, the Panel considers that the mark has no specific meaning except as an identifier of source of the Complainant's business. The Respondent has registered the disputed domain name several years after the Complainant's trademark has become reputed. It has been consistently found by the panels that the registration of a disputed domain name that is identical or confusingly similar to a known trademark by a party who is not affiliated with the complainant can itself be an indication of bad faith.

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. The factors to consider under the passive holding doctrine are (i) degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to respond or provide any evidence of actual or contemplated good-faith use, (iii) respondent concealing identity or use of false contact details, (iv) implausibility of any good faith use to which the domain name may be put.

Having reviewed the available record and the circumstances discussed, the Panel finds that the Complainant has established with supporting evidence the distinctiveness and reputation associated with its trademark. The Respondent's failure to respond in these proceedings, coupled with the use of privacy shield and the setting up mail exchange (MX) to enable email communications for the disputed domain name, particularly under the circumstances where it has been found that the Respondent lacks rights or legitimate interests, all collectively lead the Panel to conclude that the non-use of the disputed domain name does not prevent a finding of bad faith, and that the registration and the use of the disputed domain name is in bad faith as understood under the Policy.

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 <breedon-group.com> be transferred to the Complainant.

/Harini Narayanswamy/

Harini Narayanswamy

Sole Panelist

Date: October 2, 2025