

## ADMINISTRATIVE PANEL DECISION

Vinci and Vinci Construction v. Jeffery Nsily

Case No. D2025-5021

### 1. The Parties

The Complainants are Vinci, France, and Vinci Construction, France (collectively further referred to as "the Complainant"), represented by Cabinet Regimbeau, France.

The Respondent is Jeffery Nsily, Germany.

### 2. The Domain Name and Registrar

The disputed domain name <vinci-construction.com> (the "Disputed Domain Name") is registered with OwnRegistrar, Inc. (the "Registrar").

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 3, 2025. On December 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On December 4, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 8, 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 the same day.

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 December 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 31, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 9, 2026.

The Center appointed Marilena Comanescu as the sole panelist in this matter on January 17, 2026. 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 Vinci is the parent company of the Complainant Vinci Construction, a global player in the sectors of concessions, energy and construction. The Complainant has over 7,000 establishments and subsidiaries spread across more than 120 countries, employs approximately 280,000 people and its turnover reached EUR 71.6 billion in 2023.

The Complainant holds trademark rights for VINCI CONSTRUCTION in numerous jurisdictions worldwide, such as the following:

- the European Union trademark registration number 003394251 for VINCI CONSTRUCTION (word), filed on October 8, 2003, registered on February 21, 2005, and covering goods and services in International Classes 6, 19, 35, 36, 37, 39, and 42; and
- the French trademark registration number 3247127 for VINCI CONSTRUCTION (word), filed on September 23, 2003, registered on February 27, 2004, covering goods and services in International Classes 6, 19, 35, 36, 37, 39, and 42.

The Complainant holds numerous domain names, including <vinci-construction.com> registered on May 29, 2000, and <vinciconstruction.com> registered on October 5, 2000.

The Disputed Domain Name was registered on November 17, 2025, and it resolves to a landing page hosted by the Registrar, merely displaying the following text: "Your website is ready to go!", and when clicking the tab "Chat with a live person", the Internet user is directed to an inactive page.

#### **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.

Notably, the Complainant contends that the sequence "VINCI CONSTRUCTION" is highly distinctive and has been extensively used, as a company name for almost 40 years, and as a trademark for over 20 years, in relation to construction and civil engineering; the Disputed Domain Name is confusingly similar to the Complainant's trademark because it almost identically reproduces the VINCI CONSTRUCTION trademark, whereby the letter "i" in "construction" has simply been replaced with an "I", and the letter "I", especially when written in lowercase, is visually highly similar to the letter "i"; the Respondent has no rights or legitimate interests in the Disputed Domain Name; and the Respondent registered and is using the Disputed Domain Name in bad faith, mainly because: (i) the Complainant and its trademark is well known worldwide, being present in over 100 countries and the Complainant's trademarks have been consistently and extensively used by the Complainant for the last two decades in many countries across the world; (ii) the registration of a domain name containing a well-known trademark constitutes bad faith per se; (iii) the composition of the Disputed Domain Name which represents a typosquatting of the Complainant's trademark; (iv) email servers are configured for the Disputed Domain Name, which allows a domain name to be used to send emails and thus the Disputed Domain Name could be used for spamming or phishing purposes; and (v) the Respondent has used a privacy protection service.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under the Policy, the Complainant is required to prove on the balance of probabilities 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 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**

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 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.

While the obvious misspelling of the Complainant's trademark, i.e. replacing the letter "i" with "l" in the word "construction" of the trademark VINCI CONSTRUCTION, and the addition of two hyphens between the terms composing the mark, may bear on assessment of the second and third elements, the Panel finds such alteration does not prevent a finding of confusing similarity between the Disputed Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 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 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 Panel notes that the composition of the Disputed Domain Name, which reproduces the Complainant's mark (with an obvious alteration, the replacement of the letter "i" with "l" in the word "construction", especially given their similarity when written in lowercase, or uppercase), and considering the Complainant's highly similar domain names, reflects the Respondent's ultimate intent to confuse unsuspecting Internet users into believing that the Disputed Domain Name is operated by the Complainant.

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 Disputed Domain Name was registered in bad faith, with knowledge of the Complainant, its trademark and services, particularly because the Disputed Domain Name incorporates an obvious misspelling of the Complainant's mark, company name and domain names, and the registration of the Complainant's trademark predates the registration of the Disputed Domain Name by more than 20 years. Further, the trademark VINCI CONSTRUCTION is distinctive and has reputation worldwide in the construction industry.

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 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.

Previous UDRP panels have found that the mere registration of a domain name that is identical or confusingly similar to a widely known trademark by an unaffiliated entity can, by itself, create a presumption of bad faith for the purpose of Policy. [WIPO Overview 3.0](#), section 3.1.4.

At the time of this Decision, the Disputed Domain Name resolves to a Registrar landing page. UDRP 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. The Panel notes the distinctiveness and international reputation of the Complainant's trademark; the composition of the Disputed Domain Name; the Respondent's failure to provide a response in these proceedings; the Respondent's physical address listed in the registration details appears to be inaccurate as the Center's written communication could not be delivered by the courier service, 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. [WIPO Overview 3.0](#), section 3.3.

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, <vinci-construction.com>, be transferred to the Complainant Vinci Construction.

/Marilena Comanescu /  
**Marilena Comanescu**  
Sole Panelist  
Date: January 27, 2026