

ADMINISTRATIVE PANEL DECISION

Vicat SA v. Justin R
Case No. D2026-1273

1. The Parties

The Complainant is Vicat SA, France, internally represented.

The Respondent is Justin R, China.

2. The Domain Name and Registrar

The disputed domain name <vicat.store> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 25, 2026. On March 25, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 25, 2026, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 30, 2026, 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 amendment to the Complaint on March 30, 2026.

The Center verified that the Complaint together with the amendment to 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 April 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 22, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 27, 2026.

The Center appointed Kaya Köklü as the sole panelist in this matter on April 30, 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 is a French company with an history of more than 200 years. It is, inter alia, internationally active in the field of cement production, deriving from the invention of artificial cement by Mr. Louis Vicat in the 19th Century.

The Complainant owns numerous trademark registrations for VICAT worldwide, including the European Union Trademark Registration No. 000391425, registered on September 8, 1998, for VICAT, covering protection for goods in class 19.

The Complainant also owns several domain names consisting of its VICAT trademark, all of them redirecting to the Complainant's main website at "www.vicat.com".

The Respondent is reportedly located in China.

The disputed domain name was registered on September 24, 2025.

According to the available record, the disputed domain name has not been actively used since its registration and resolves to the website of a sales platform, where the disputed domain name is offered for sale for a price of USD 1,450.

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.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark 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.

As per paragraph 4(a) of the Policy, the complainant bears the burden of proving that all these requirements are fulfilled, even if a respondent has not substantively replied to the complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

Concerning the uncontested information provided by a complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in a complaint as accurate. Section 4.3 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)").

It is further noted that the Panel has taken note of the [WIPO Overview 3.1](#) and, where appropriate, will decide consistently with the consensus views captured therein.

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 3.1](#), section 1.7.

The Complainant has shown rights in respect of the VICAT trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the VICAT mark is reproduced within the disputed domain name without any amendments or additions. Accordingly, the disputed domain name is identical to the VICAT mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 that 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 3.1](#), 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 Complainant has credibly submitted that the Respondent is not affiliated with the Complainant and has not been authorized or licensed to use the Complainant's VICAT trademark. 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.

There is particularly no indication in the record that the Respondent is commonly known by the disputed domain name, or that the Respondent has made demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services. Also, there is no evidence of legitimate noncommercial or fair use.

The Panel further notes from the record that the disputed domain name is not a descriptive term that the Respondent might have selected for a potential dictionary meaning.

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.

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 3.1](#), section 3.2.1.

In the present case, the Panel notes that the disputed domain name was registered many years after the Complainant obtained registered trademark rights in VICAT.

The Panel further notes that the disputed domain name is identical to the Complainant's VICAT trademark. There is no addition, alteration, or descriptive element in the disputed domain name which would suggest a meaning distinctively independent from the Complainant's VICAT trademark.

In the absence of any response, the Respondent has not provided any explanation for its selection of the disputed domain name. In particular, the Respondent has not put forward any evidence suggesting that it registered the disputed domain name for a purpose unrelated to the Complainant and its VICAT trademark.

The Panel notes that the disputed domain name has apparently not been used for an active website since its registration. However, Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3.

Having reviewed the available record, the Panel notes in particular the longstanding nature of the Complainant's trademark rights, the composition of the disputed domain name, which is identical to the VICAT trademark, the absence of any apparent descriptive meaning of the term "vicat", the Respondent's failure to submit any response, and the lack of any active use of the disputed domain name. The Panel additionally notes that the disputed domain name is offered for sale on a sales platform to a price likely beyond documented out-of-pocket expenses for the registration of the disputed domain name.

Taking into account all these circumstances, the Panel finds that the passive holding of the disputed domain name does not prevent the finding of bad faith under the Policy. Rather, on the balance of probabilities, the Panel finds that the disputed domain name was registered and is being used in bad faith.

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 <vicat.store> be transferred to the Complainant.

/Kaya Köklü /

Kaya Köklü

Sole Panelist

Date: May 14, 2026