ADMINISTRATIVE PANEL DECISION

Bouygues v. Gina Yu
Case No. D2026-2983

1. The Parties

The Complainant is Bouygues, France, represented by Cabinet Regimbeau, France.

The Respondent is Gina Yu, China.

2. The Domain Name and Registrar

The disputed domain name <bouygues.online> 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 July 7, 2026. On July 8, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 9, 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 July 14, 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 amended Complaint on July 15, 2026.

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 July 20, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 9, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 11, 2026.

The Center appointed Alvaro Loureiro Oliveira as the sole panelist in this matter on August 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, Bouygues, is a French diversified services group founded in 1952. It operates internationally, principally in the construction, telecommunications, media, energy and services sectors. According to the evidence submitted with the Complaint, the Complainant is present in more than 80 countries, employs approximately 200,000 people worldwide, and reported sales of EUR 56.9 billion in 2025.

The Complainant owns numerous trademark registrations for the BOUYGUES mark in several jurisdictions. Among these registrations are:

- French Trademark Registration No. 1197243, BOUYGUES, registered on March 4, 1982, and duly renewed, covering goods and services in Classes 6, 16, 19, 28, 35, 37, 40, 41, 42, 43, 44, and 45;

- French Trademark Registration No. 92408370, BOUYGUES, registered on July 23, 1993, and duly renewed, covering goods and services in Classes 6, 7, 9, 16, 19, 28, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 45; and

- International Trademark Registration No. 949188, BOUYGUES, registered on September 27, 2007, designating, inter alia, China, and covering goods and services in Classes 6, 19, and 37.

The Complainant also maintains an established Internet presence. Its principal website is operated through the domain name <bouygues.com>, which has been registered by the Complainant since 1997.

The disputed domain name <bouygues.online> was registered on March 25, 2026. According to the Registrar's verification, the Respondent is Gina Yu, located in China.

The evidence submitted with the Complaint shows that, shortly after its registration, the disputed domain name was offered for sale for EUR 1,258.46.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the three elements required under paragraph 4(a) of the Policy.

First, the Complainant contends that the disputed domain name is identical or confusingly similar to its BOUYGUES trademark. The disputed domain name incorporates the BOUYGUES mark in its entirety, without any alteration or additional element apart from the ".online" generic Top-Level Domain ("gTLD"). The Complainant emphasizes that its rights in the BOUYGUES mark substantially predate the registration of the disputed domain name and that the mark is highly distinctive and has acquired considerable recognition through the Complainant's longstanding and international activities.

Second, the Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain name. According to the Complainant, the Respondent has no connection or affiliation with it and has never been authorized, licensed, or otherwise permitted to use the BOUYGUES trademark or to register a domain name incorporating it. The Complainant further asserts that the Respondent is not commonly known by the name "Bouygues" and has no prior trademark rights in that term. The Complainant also contends that the Respondent has made neither a bona fide offering of goods or services nor a legitimate noncommercial or fair use of the disputed domain name.

Third, the Complainant contends that the disputed domain name was registered and is being used in bad faith. In this regard, the Complainant relies on the longstanding use and international reputation of the BOUYGUES trademark and argues that the Respondent could not reasonably have been unaware of the Complainant and its trademark rights when registering a domain name reproducing the BOUYGUES mark in its entirety. The Complainant also points to the considerable period between the establishment of its trademark rights and the Respondent's registration of the disputed domain name as supporting an inference that the Respondent registered the disputed domain name with knowledge of the Complainant and its rights.

The Complainant further relies on the fact that the disputed domain name was offered for sale shortly after its registration, without any intervening bona fide commercial or noncommercial use. According to the Complainant, the disputed domain name was offered for USD 1,450, an amount exceeding the ordinary out-of-pocket costs associated with its registration. The Complainant submits that these circumstances demonstrate that the Respondent registered the disputed domain name primarily for its resale value and with the intention of profiting from the reputation and goodwill attached to the BOUYGUES trademark.

The Complainant also refers to the Respondent's initial use of a privacy protection service as an additional circumstance supporting its allegation of bad faith. Finally, the Complainant notes that it has previously been the target of registrations of domain names incorporating or imitating the BOUYGUES mark and expresses concern as to the potential misuse of the disputed domain name.

The Complainant requests that the disputed domain name be transferred to it.

B. Respondent

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

6. Discussion and Findings

The Policy, in its paragraph 4(a), determines that three elements must be present and duly proven by a complainant to obtain relief. These elements are:

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 respect to the disputed domain name; and
iii. the disputed domain name has been registered and is being used in bad faith.

The Respondent has not submitted a Response. Nevertheless, the Complainant must establish each of the three elements required under paragraph 4(a) of the Policy on the basis of the evidence submitted.

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 Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

The Complainant has established registered trademark rights in the BOUYGUES mark. The disputed domain name reproduces the BOUYGUES trademark in its entirety and without alteration. The applicable gTLD ".online" is a standard registration requirement and does not prevent a finding of confusing similarity under the first element of the Policy.

Accordingly, the Panel finds that the disputed domain name is identical to the Complainant's BOUYGUES trademark for purposes of the Policy.

The first element of paragraph 4(a) of the Policy has therefore been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a non-exhaustive list of circumstances in which a 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.

In the present case, the Complainant states that it has not authorized, licensed, or otherwise permitted the Respondent to use its BOUYGUES trademark or to register a domain name incorporating that mark. There is no evidence in the record that the Respondent has acquired trademark rights in BOUYGUES or that the Respondent has been commonly known by the disputed domain name. Nor is there any evidence of use, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services or for a legitimate noncommercial or fair purpose. Rather, the record indicates that the disputed domain name was offered for sale.

The Panel therefore finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent, having failed to submit a Response, has not rebutted that showing or otherwise provided any evidence of circumstances contemplated by paragraph 4(c) of the Policy.

Accordingly, the Panel finds that the second element of paragraph 4(a) of the Policy has been established.

C. Registered and Used in Bad Faith

For purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) sets out a non-exhaustive list of circumstances which, if found to be present, constitute evidence of the registration and use of a domain name in bad faith.

Among these circumstances is the registration or acquisition of a domain name primarily for the purpose of selling, renting, or otherwise transferring it to the complainant, as trademark owner, or to a competitor of the complainant, for valuable consideration in excess of the registrant's documented out-of-pocket costs directly related to the domain name.

The circumstances of the present case strongly support a finding that the Respondent was aware of the Complainant and its BOUYGUES trademark when registering the disputed domain name. The Complainant's trademark rights predate the registration of the disputed domain name by several decades, the BOUYGUES mark is highly distinctive, and the disputed domain name consists exclusively of that mark together with the ".online" gTLD. In these circumstances, the Panel finds it implausible that the Respondent selected the disputed domain name independently and without knowledge of the Complainant's trademark rights. The fact that the Complainant's International Trademark Registration No. 949188 for BOUYGUES designates China, where the Respondent is located, further supports this conclusion.

The way in which the disputed domain name has been used reinforces this conclusion: the record shows that the disputed domain name was offered for sale shortly after registration and that the asking price was EUR 1,258.46 (approximately USD 1,450). There is no evidence that the Respondent has made any bona fide use of the disputed domain name or prepared to use it for any legitimate purpose, apart from offering it for sale.

Given the distinctive character of the BOUYGUES trademark, the identity between the trademark and the Second-Level portion of the disputed domain name, the absence of any apparent legitimate use, and the offer to sell the disputed domain name for an amount exceeding ordinary registration costs, the Panel finds that the circumstances support the conclusion that the disputed domain name was registered primarily for the purpose of sale for valuable consideration in excess of the Respondent's out-of-pocket costs. These circumstances fall within the scope of paragraph 4(b)(i) of the Policy.

The Panel therefore finds that the disputed domain name was registered and is being used in bad faith.

Accordingly, the third element of paragraph 4(a) of the Policy has been established.

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 <bouygues.online> be transferred to the Complainant.

/Alvaro Loureiro Oliveira/
Alvaro Loureiro Oliveira
Sole Panelist
Date: August 31, 2026