

ADMINISTRATIVE PANEL DECISION

T-Mobile USA, Inc. v. Nanci Nette, Name Management Group
Case No. DIO2024-0026

1. The Parties

Complainant is T-Mobile USA, Inc., United States of America (“United States”), represented Focal PLLC, United States.

Respondent is Nanci Nette, Name Management Group, United States.

2. The Domain Name and Registrar

The disputed domain name <metropcs.io> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 4, 2024. On September 6, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 7, 2024, 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 and contact information in the Complaint. The Center sent an email communication to Complainant on September 9, 2024 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on September 13, 2024.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .IO Domain Name Dispute Resolution Policy (the “Policy”), the Rules for .IO Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .IO Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on September 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 7, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on October 8, 2024.

The Center appointed Lorelei Ritchie as the sole panelist in this matter on October 14, 2024. 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

Complainant is a global company, based in the United States. For decades prior to the registration of the disputed domain name, Complainant has offered telecommunications-related goods and services under the mark METROPCS. Complainant is the owner of several registrations for the METROPCS mark. These include, among others, United States Registration No. 2,865,446 (registered July 20, 2004).

The disputed domain name was registered on April 21, 2020. The URL associated with the disputed domain name resolves to a webpage with pay-per-click links such as “Pay My Bill”; “Mobile Payment”; and “Cellular Phone Plans” (Annex 10 to the Complaint). Respondent appears to be based in the United States.

5. Parties’ Contentions

A. Complainant

Complainant contends that (i) the disputed domain name is identical or confusingly similar to Complainant’s trademarks, (ii) Respondent has no rights or legitimate interests in the disputed domain name; and (iii) Respondent registered and is using the disputed domain name in bad faith.

Specifically, Complainant contends that it owns registrations for the METROPCS mark for various telecommunications-related goods and services. Complainant contends that Respondent has incorporated the METROPCS mark in full into the disputed domain name, simply adding the Top-Level-Domain “.io”. Complainant asserts that Respondent has no rights or legitimate interests in the domain name registration or use of the disputed domain name, noting that Complainant’s use of the mark has “long predated” Respondent’s registration. Complainant further alleges that Respondent has engaged in a pattern of conduct that establishes bad faith under the Policy.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel must first determine whether the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy. The Panel finds that the disputed domain name incorporates the trademark METROPCS in its entirety.

The Panel therefore finds that the disputed domain name is identical to a trademark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Under paragraph 4(a)(ii) of the Policy, a complainant must make at least a prima facie showing that a respondent does not have any rights or legitimate interests in the disputed domain name. Once such showing is made, the burden of production shifts to the respondent. No evidence has been presented to the Panel that might support a claim of Respondent's rights or legitimate interests in the disputed domain name, and Respondent has no license from, or other affiliation with, Complainant.

Therefore, the Panel finds that Complainant has provided sufficient evidence for a prima facie case of Respondent's lack of "rights or legitimate interests" in accordance with paragraph 4(a)(ii) of the Policy, which Respondent has not rebutted.

C. Registered or Used in Bad Faith

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith. For example, paragraph 4(b)(iv) of the Policy states that bad faith can be shown where "by using the domain name [respondent has] intentionally attempted to attract, for commercial gain, Internet users to [respondent's] web site or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [respondent's] website or location or of a product or service on [the] web site or location". As noted in Section 4 of this Decision, Respondent has used the disputed domain name to resolve to a webpage with pay-per-click links such as "Pay My Bill"; "Mobile Payment" and "Cellular Phone Plans" (Annex 10 to the Complaint). Hence, Respondent is trading on the goodwill of Complainant's trademarks to attract Internet users, presumably for Respondent's own commercial gain.

Complainant has also submitted supporting evidence indicating that several UDRP panels have found that Respondent has engaged in bad faith registration and use of other globally known marks. A sampling of these UDRP decisions includes the following: *Facebook, Inc. and WhatsApp Inc. v. Registration Private, Domains By Proxy, LLC / Nanci Nette*, WIPO Case No. [D2019-2223](#); *Khadi and Village Industries Commission v. Registration Private, Domains By Proxy, LLC / Nanci Nette*, WIPO Case No. [D2021-3243](#); *Volvo Trademark Holding Aktiebolag v. Nanci Nette*, WIPO Case No. [D2022-0299](#); *Itron, Inc. v. Super Privacy Service LTD c/o Dynadot / Nanci Nette, Name Management Group*, WIPO Case No. [D2022-1249](#); *Fenix International Limited v. Privacy Services Provided by Withheld for Privacy ehf / Nanci Nette*, WIPO Case No. [D2022-1659](#). This also evidences bad faith in accordance with paragraph 4(b)(ii).

Therefore, the Panel finds sufficient evidence that Respondent registered and used the disputed domain name in bad faith for purposes of paragraph 4(a)(iii) 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 <metropcs.io> be transferred to Complainant.

/Lorelei Ritchie/

Lorelei Ritchie

Sole Panelist

Date: October 28, 2024