

ADMINISTRATIVE PANEL DECISION

Millicom International Cellular SA v. Privacy service provided by Withheld for Privacy ehf / Mathias Iwu
Case No. D2022-1510

1. The Parties

The Complainant is Millicom International Cellular SA, Luxembourg, represented by Brigard & Castro, Colombia.

The Respondent is Privacy service provided by Withheld for Privacy ehf, Iceland / Mathias Iwu, Nigeria.

2. The Domain Name and Registrar

The disputed domain name <millicomfunds.com> (the “Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 26, 2022. On April 27, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 27, 2022, 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 the Complainant on April 28, 2022 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 May 2, 2022.

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 May 3, 2022. In accordance with the Rules, paragraph 5, the due date for Response was May 23, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 24, 2022.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on May 27, 2022. 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

Founded in 1990, the Complainant is a telecommunications company located in Luxembourg. The Complainant is the owner of the following national trademarks all of which were registered prior to the registration of the Disputed Domain Name:

- United States of America Trademark Registration No. 4423670 for MILLICOM, registered on October 29, 2013; and

- European Union Trademark Registration No. 011337805 for MILLICOM, registered on March 4, 2013.

The Complainant registered the <millicom.com> domain name on September 12, 1997.

The Disputed Domain Name was registered on June 27, 2021, and resolved to a website displaying the Complainant's MILLICOM trademark and purportedly offering financial products and services with enormous rates of return to investors. At the time of filing of the Complaint and this decision, the Disputed Domain Name was inactive.

5. Parties' Contentions

A. Complainant

The Complainant has operated under the Millicom name in Luxemburg, Sweden, the United States of America and around the world continuously at least since 1990. Millicom is not a common word, as it has no meaning or association in English or Spanish, two of the most common languages in the world. The Complainant is a well-known telecommunications company which provides mobile, including mobile data, mobile voice, and MFS to consumer, business and government customers; and cable and other fixed services, including broadband, pay-TV, content, and fixed voice services for residential (home) customers, as well as voice, data and VAS and solutions to business and government customers and mobile financial services.

As of December 31, 2021, the Complainant employed approximately 21,000 people and provided mobile services through its digital highways to around 58 million customers, with a fiber-cable footprint of more than 12 million homes. The Complainant's marks, trade name, products, and services are a staple in the technological, communications and financial sector.

The Complainant's MILLICOM mark is strong and has gained recognition through its continued use in connection with the Complainant's technological, communications and financial products and services, which have provided the Complainant global visibility. The Complainant uses Millicom as main identifier of its corporation all around the world, particularly, in emerging markets, such as Latin America.

The Disputed Domain Name is confusingly similar to the Complainant's MILLICOM mark. The Disputed Domain Name reproduces the word "millicom" entirely. The word "millicom" is the only distinctive section of the Disputed Domain Name. The use of the word "millicom" in the Disputed Domain Name can be directly associated with the Complainant. This similarity may mislead and confuse consumers as to the source of the goods or services.

Except for the descriptive word “funds”, which means an amount of money saved or made available to a person for a particular purpose, there is no difference between the Disputed Domain Name and the Complainant’s MILLICOM mark. Moreover, the Complainant has funds-related business.

Regarding the extension “.com”, it is well established that the Top-Level Domains (TLDs) do not generally affect a domain name for the purpose of determining whether it is identical or confusingly similar to a trademark.

The Complainant has not licensed or otherwise permitted the Respondent to use the Complainant’s MILLICOM mark in any way, nor has the Complainant licensed or otherwise permitted the Respondent to apply for or use any domain name incorporating its MILLICOM mark.

The Respondent used the Complainant’s MILLICOM mark in the Disputed Domain Name and on the webpage at the Disputed Domain Name, which also listed the Complainant’s Luxemburg address as its own address, which is not the case. Further, the website included a fake Certificate of Incorporation for the company Millicom Funds International, and the Complainant received an email reporting its MILLICOM mark was being used for a Ponzi scheme.

The Respondent’s inclusion of the Complainant’s address on the webpage at “www.millicomfunds.com” evidences that the Respondent registered the Disputed Domain Name with full knowledge of the Complainant’s business and reputation. The Respondent has registered and used the Disputed Domain Name in bad faith as the Respondent has attempted to impersonate the Complainant and has committed a Ponzi scheme.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated it owns registered trademark rights in the fanciful MILLICOM trademark throughout the world. The addition of the term “funds” does not prevent a finding of confusing similarity as the Complainant’s MILLICOM mark is clearly recognizable in the Disputed Domain Name. See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

Accordingly, the Disputed Domain Name is confusingly similar to a mark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has presented a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and has not been commonly known by the Disputed Domain Name. The fact that the Respondent obtained the Disputed Domain Name years after the Complainant had begun using its fanciful and well-known MILLICOM mark indicates the Respondent sought to piggyback on the Complainant for illegitimate reasons. The Disputed Domain Name resolved to a website displaying the Complainant’s MILLICOM trademark, using the Complainant’s address, and offering financial products and services with enormous rates of return to investors. The use of a disputed domain name for illegal activity can never confer rights or legitimate interests upon a respondent. See section 2.13 of the [WIPO Overview 3.0](#).

After a complainant has made a *prima facie* case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See [WIPO Overview 3.0](#), section 2.1.

Here, the Respondent has provided no evidence of any rights or legitimate interests in the Disputed Domain Name.

In the absence of any evidence rebutting the Complainant's *prima facie* case indicating the Respondent's lack of rights or legitimate interests in respect of the Disputed Domain Name, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Disputed Domain Name was registered many years after the Complainant first registered and used its fanciful and well-known MILLICOM mark. The evidence on the record provided by the Complainant is sufficient to satisfy the Panel that, at the time the Disputed Domain Name was registered, the Respondent undoubtedly knew of the Complainant's MILLICOM mark, and knew that it had no rights or legitimate interests in the Disputed Domain Name. There is no non-benign reason for the Respondent to have registered a domain name containing the MILLICOM mark and the term "funds", which relates to the Complainant's business.

Further, the use of the Disputed Domain Name by the Respondent is in bad faith. The Disputed Domain Name resolved to a website claimed to offer enormous rates of return to investors and included the Complainant's address on the website thereby attempting to create an association with the Complainant. According to the evidence provided by the Complainant, the actions of the Respondent in engaging in a Ponzi scheme is clearly use in bad faith. See *RELX Group PLC v. Domain Admin / Privacy Protect, LLC (PrivacyProtect.org) / Christopher Chukwudebelu*, WIPO Case No. [D2021-1909](#).

Accordingly, the Panel finds that the Disputed Domain Name has been registered and is being used in bad faith.

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, <millicomfunds.com>, be transferred to the Complainant.

/Colin T. O'Brien/

Colin T. O'Brien

Sole Panelist

Date: June 10, 2022