

ADMINISTRATIVE PANEL DECISION

FMR LLC v. Bonnie Thomas, ThomasSolutions and Dakota Lopez,
PacketsLopez
Case No. D2025-0351

1. The Parties

Complainant is FMR LLC, United States of America (“United States”), represented by Greenberg Traurig, LLP, United States.

Respondents are Bonnie Thomas, ThomasSolutions, United States and Dakota Lopez, PacketsLopez, United States.

2. The Domain Names and Registrar

The disputed domain names <inside-fidelity.com> and <survey-fidelity.com> (hereinafter “Disputed Domain Names”) are registered with Nicenic International Group Co., Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 29, 2025. On January 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On January 30, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Names which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint.

The Center sent an email communication to Complainant on January 30, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting Complainant to either file separate complaint(s) for the Disputed Domain Names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. Complainant filed an amended Complaint on February 5, 2025.

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 two Respondents of the Complaint, and the proceedings commenced on February 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 26, 2025. Neither Respondent submitted any response. Accordingly, the Center notified Respondents' default on February 27, 2025.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on March 4, 2025. 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.

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. Complainant alleges that the domain name registrants are under common control. Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The Disputed Domain Name registrants did not comment on Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing Complainant's request, the Panel will consider whether (i) the Disputed Domain Names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

The evidence here supports a finding that the Disputed Domain Names are under "common control" because both Disputed Domain Names: (1) were used to impersonate a Fidelity log in screen; (2) were registered through the same registrar, Nicenic International Group Co., Ltd.; (3) were registered within one day of each other; (4) use the same nameservers; and (5) registrants for both of the Disputed Domain Names use email from "@email-jar.com" that reflects the same format: "[FirstName][Number][LastName]@email-jar.com", which further indicates that the email addresses are related or under common control. The Panel also notes the Respondents have not responded to the Complaint, which alleges common control, or commented on Complainant's consolidation request.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different Disputed Domain Name registrants in a single proceeding.

In the discussion below, the Panel will refer to both registrants of the Disputed Domain Names as "Respondent" unless otherwise designated.

4. Factual Background

Complainant FMR LLC ("FMR"), is the parent company of the affiliated group of businesses known collectively as Fidelity Investments ("Fidelity"). Fidelity is a multinational financial services corporation that has been helping its customers and clients plan and achieve financial goals by delivering innovative products and services for over 75 years. Fidelity helps over 50 million individuals with financial goals, manages employee benefit programs that help over 27,500 businesses support their employees' total well-being, and supports more than 16,000 wealth management firms and institutions with innovative investment and

technology solutions to grow their businesses. Fidelity generated over USD 28 billion in revenue in 2023 and has more than 75,000 employees spanning 11 countries across North America, Europe, Asia, and Australia. Fidelity operates its primary website on the <fidelity.com> domain name at “www.fidelity.com”. Fidelity customers can access their accounts and services with Fidelity through the Fidelity Website by logging in through the Fidelity Login Page.

Complainant owns numerous United States Trademark Registrations trademark for the trademark FIDELITY (hereinafter the “Mark”) including:

- Registration No. 3,092,353 (Registered May 16, 2006);
- Registration No. 2,108,052 (Registered October 28, 1997).

Complainant also owns several United States Trademark Registrations for its logo, including Registration No. 3,092,355 (Registered May 16, 2006) for the following design:



The Disputed Domain Name <inside-fidelity.com> was registered on December 5, 2024. The Disputed Domain Name <survey-fidelity.com> was registered on December 6, 2024. As evidenced in the Complaint, the Disputed Domain Names have resolved to login websites bearing the Complainant's logo trademark.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Names.

Complainant contends with supporting evidence that Respondent is using the Disputed Domain Names in a phishing scheme to set up a landing page sent in text messages to employees and customers of Complainant in an attempt to obtain customers' login credentials to Complainant's website and then their personal and financial information. The Disputed Domain Names resolve to websites that mimic Complainant's Login Page on the Fidelity Website (the “Imposter Login Page”). In an attempt to confuse Fidelity customers into thinking that the Imposter Login Page was the Fidelity Login Page and that they could access their accounts with Fidelity through the Imposter Login Page, Respondent places the following on the webpage associated with the Disputed Domain Name:



The telephone numbers given to the Registrar as contact information for the Respondent are not valid. One of the given numbers reaches the voicemail for a person whose name is different from either of the Respondents and the other telephone number is not functional.

B. Respondent

Respondent did not respond to the Complaint.

6. Discussion and Findings

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 Complainant's trademark and the Disputed Domain Names. [WIPO Overview 3.0](#), section 1.7.

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 Names. The addition of additional terms – “survey” in one of the Disputed Domain Names and “inside” in the other – does not prevent a finding of confusing similarity under the Policy. Accordingly, the Disputed Domain Names are confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed Domain Names. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Names such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegal activity, here, claimed phishing, unauthorized account access, and impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

Complainant has alleged with supporting evidence that it is well known, and that Respondent has used the Disputed Domain Names in a phishing scheme to trick email recipients into revealing their account access information. These un rebutted allegations, which are supported by evidence, demonstrate by a

preponderance of the evidence that the Disputed Domain Names were registered and are being used in bad faith. [WIPO Overview 3.0](#), section 3.4. The purportedly false contact information also supports a finding of bad faith.

The Panel also draws adverse inferences from the failure of either of the named Respondents to submit a Response. Although “a respondent’s default is not necessarily an admission that the complainant’s claims are true [...] panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case [...]” [WIPO Overview 3.0](#), section 4.3. When the Complaint alleges fraudulent activity such as phishing, with supporting evidence, the Panel would expect any good faith actor to deny such contentions, especially because there is risk to innocent third parties. Under these circumstances, it is appropriate to expect a respondent to respond to the allegations, and to suffer adverse inferences when no response is filed.

Having reviewed the record, the Panel finds Respondent’s registration and use of the Disputed Domain Names constitute bad faith under the Policy.

The Panel finds that 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 Names <inside-fidelity.com> and <survey-fidelity.com> be transferred to Complainant.

/Lawrence K. Nodine/

Lawrence K. Nodine

Sole Panelist

Date: March 18, 2025