

ADMINISTRATIVE PANEL DECISION

NTT Electronics Corporation and NTT Innovative Devices Corporation v.
Ericka Moore, smagcorps
Case No. D2025-0365

1. The Parties

The Complainant is NTT Electronics Corporation and NTT Innovative Devices Corporation, Japan, represented by IP Twins, France.

The Respondent is Ericka Moore, smagcorps, United States of America ("US").

2. The Domain Name and Registrar

The disputed domain name <nel-american.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 30, 2025. On January 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 30, 2025, 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 (Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 4, 2025, 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 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 Respondent of the Complaint, and the proceedings commenced on February 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 5, 2025.

The Center appointed Jonas Gulliksson as the sole panelist in this matter on March 12, 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.

4. Factual Background

The Complainant, NTT Innovative Devices Corporation (formerly NTT Electronics Corporation), is part of the NTT Group. NTT (Nippon Telegraph and Telephone Corporation) was founded in 1985 by the Japanese government and is the fourth-largest telecom company globally by revenue, as well as Japan's third-largest publicly traded company, following Toyota and Sony (as of June 2022). In 2023, NTT ranked 56th in the Forbes Global 2000. Originally established as Nihon Denshi Gijutsu KK in 1982, it was renamed NTT Electronics Corporation in 1997 and to NTT Innovative Devices Corporation in 2023. The Complainant offers a wide range of products across information, telecommunications, and multimedia, from key devices to system components.

The Complainant is the proprietor of the following registered trademarks:

- US trademark NEL (reg.no 2325237), registered on March 7, 2000, duly renewed and designated goods in international class 09,
- United Kingdom trademark NEL (reg.no 2167891), registered on July 23, 1999, duly renewed and designated goods in international class 09,
- Swiss trademark NEL (reg.no P-543544), registered on March 7, 2006, duly renewed and designated goods in international class 09,
- Singaporean trademark NEL (reg.no T0521119E), registered on October 26, 2006, duly renewed and designated goods in international class 09.

The disputed domain name is <nel-american.com>. The disputed domain name was registered on April 16, 2024. The Complainant introduced evidence that the disputed domain name was used as part of a fraudulent email scheme to phish financial information while posing as the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant asserts that it has met all the requirements under the Policy for transferring the disputed domain name.

Notably, the Complainant argues that the disputed domain name is highly similar to its well-known marks, reproducing the trademark "NEL" in its entirety with the addition of "american". The Complainant further states that its American subsidiary, NEL America Inc., founded in 2000 and renamed NTT Electronics America, Inc. in 2017, operates the domain <nel-america.com> in North and South America. The disputed domain name closely resembles both the company's former name and the domain <nel-america.com>.

The Complainant contends that the disputed domain name is either identical or highly similar to its earlier trademarks under the Policy.

The Respondent is listed as "Privacy service provided by Withheld for Privacy ehf" at the time the Complaint was filed. The Complainant argues that the Respondent has no rights or legitimate interests in the domain name. No evidence suggests the Respondent is known by the domain name, nor has the Respondent received any authorization to use the Complainant's trademarks. Furthermore, the Respondent has not used the domain name for a bona fide offering of goods or services. Instead, the domain name is being used for email services that impersonate the Complainant.

Given that the Complainant's trademarks predate the domain name registration, the burden of proving rights or legitimate interests falls on the Respondent. The Complainant believes it has made a prima facie case regarding the Respondent's lack of rights or legitimate interest.

The Complainant also argues that it is inconceivable the Respondent was unaware of its rights, given NTT Group's global presence in over 80 countries and its substantial revenue. The Respondent's choice of domain name likely stems from the Complainant's fame. UDRP panels have consistently held that the mere registration of a domain name identical or confusingly similar to a famous mark creates a presumption of bad faith. The Complainant's trademark registrations precede the disputed domain name's registration, and its current use in a bank fraud scheme demonstrates bad faith. Given the Complainant's extensive recognition, it is hard to conceive of any future good faith use by the Respondent.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy requires the Complainant to prove all three of the following elements:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

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 Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The 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 entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other term "-american" may bear on assessment of the second and third elements, the Panel finds the addition of such a term does not prevent a finding of confusing similarity between the disputed domain name and 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

In cases where a Respondent fails to submit a Response, the Complainant is still required to establish a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

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

The Panel concludes that the Complainant has successfully established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not provided any evidence to the contrary. Therefore, the Panel finds that the requirements of the second element of the Policy have been met.

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 3.0](#), section 3.2.1.

The Panel concludes that the Respondent has engaged in fraudulent activity using the disputed domain name. Panels have held that the use of a domain name for illegal activity here, claimed as, phishing and impersonation constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel thus has no difficulty in concluding that the third element of the Policy has been met.

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 <nel-american.com> be transferred to the Complainant.

/Jonas Gulliksson/

Jonas Gulliksson

Sole Panelist

Date: March 21, 2025