

## **ADMINISTRATIVE PANEL DECISION**

### **RTX Corporation v. Nanci Nette, Name Management Group Case No. D2025-0880**

#### **1. The Parties**

Complainant is RTX Corporation, United States of America (“United States”), represented by Dinsmore & Shohl LLP, United States.

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

#### **2. The Domain Name and Registrar**

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

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 3, 2025. On March 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 5, 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 (Redacted for Privacy, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to Complainant on March 6, 2025, 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 March 7, 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 Respondent of the Complaint, and the proceedings commenced on March 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 1, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on April 2, 2025.

The Center appointed Frederick M. Abbott as the sole panelist in this matter on April 7, 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

Complainant is an aerospace and defense conglomerate, incorporated in the State of Delaware, United States. Complainant is a leader in the design, manufacture and service of aircraft engines and auxiliary power units through its Pratt & Whitney business. Complainant's Pratt & Whitney business is the owner of the trademarks that Complainant relies on in this proceeding (see next paragraph) as a result of acquiring the original owner of those trademarks, Mikro Systems, Inc. Complainant through its Pratt & Whitney business and its predecessor in interest, Mikro Systems, Inc., have offered goods and services under the relied-upon trademarks since as early as 2001. Mikro Systems, Inc., at least as early as 2001, referred to itself as an "early-stage MEMS (micro-electro-mechanical-systems) company focused on developing products and technologies for bio-medical and research applications". Mikro Systems, Inc., described its business in 2018 as involving "investment casting" and "computed tomography". Complainant has referred to the use of the relied-upon trademarks "in connection with parts molding services and related manufacturing services". Complainant used the disputed domain name in connection with the business of Mikro Systems, Inc., from at least 2001 until July 2022. As of July 2022, "MIKRO" was identified at the website identified by the disputed domain name as a Pratt & Whitney company.

Complainant is the owner of registration on the Principal Register of the United States Patent and Trademark Office ("USPTO") for the word trademark MIKRO SYSTEMS, registration number 7709532, registration dated March 4, 2025, in international class ("IC") 40, covering "Parts molding; Manufacturing services for others in the field of radiation detector components, mold components, and structural components for marine and aerospace applications; none of the aforementioned services for use in or in relation to microscopic or microelectronic components".<sup>1</sup> Complainant has provided evidence of use in commerce in the United States of the MIKRO SYSTEMS trademark as early as April 22, 2001, although Complainant's trademark registration in its current class claims a date of first use of May 11, 2023.

According to the Registrar's verification, Respondent is registrant of the disputed domain name. According to the Whois report, the disputed domain name was initially created on October 2, 2000. According to historical Whois records provided by Complainant, at least until August 5, 2016, the disputed domain name was demonstrably registered and owned by the founder of Mikro Systems, Inc, [...]. Complainant has furnished evidence that the disputed domain name was used in connection with a website hosted by MIKRO and Pratt & Whitney as late as July 2022. Complainant suggests that the registration by the founder Mikro Systems, Inc., [...], probably lapsed through an inadvertent failure to renew registration in or about October 2022.<sup>2</sup> At some point in or about October 2022, it appears that Respondent acquired the disputed domain name.

Complainant provided evidence that the disputed domain name has resolved to a website that generates a security warning reading: "Dangerous site, Attackers on the site you tried visiting might trick you into installing software or revealing things like your passwords, phone, or credit card numbers. Chrome strongly recommends going back to safety. Learn more about this warning." As a consequence of heeding this

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<sup>1</sup>In its Complaint, Complainant referred to a pending trademark application (published) as of the date of the Complaint. In verifying that information, the Panel determined that the subject trademark was registered by the USPTO on March 4, 2025. Panel visit to USPTO TSDR database, April 17, 2025

<sup>2</sup>The evidence on the record of the proceeding is inconclusive as to the party that owned the disputed domain name between August 2016 and October 2022. The Panel assumes that the disputed domain name was owned by Complainant or its predecessor-in-interest at least up until July 2022 since the disputed domain name resolved to a website identified by the names of Complainant and its predecessor-in-interest at least up until that date.

warning, Complainant has not generated an image of a website to which the disputed domain name may ultimately resolve.

Complainant has provided evidence that Respondent has been the subject of numerous UDRP complaints in which panels have concluded that Respondent has demonstrated a pattern of registering domain names involving variations on third party trademarks, referring to Respondent, inter alia, as a “serial cybersquatter” (see *Scribd, Inc. v. Nanci Nette, Name Management Group*, WIPO Case No. [D2024-4613](#) (January 9, 2025)). Respondent in 2023 was noted at that time to be the subject of over 50 adverse UDRP decisions (see *HomeAway.com, Inc. v. Nanci Nette*, WIPO Case No. [D2023-1561](#) (June 1, 2023)).

There is no evidence on the record of this proceeding of a relationship between Complainant and Respondent, commercial or otherwise.

## **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 name.

Complainant contends that it is the owner of an application for registration for the trademark MIKRO SYSTEMS, and that it has established unregistered trademark rights in the word marks MIKRO and MIKRO SYSTEMS. Complainant argues that the disputed domain name is essentially identical to the MIKRO SYSTEMS trademark, and confusingly similar to the MIKRO and MIKRO SYSTEMS trademarks.

Complainant argues that Respondent lacks rights or legitimate interests in the disputed domain name because: (1) Respondent is not commonly known by the disputed domain name; (2) Respondent has not registered the disputed domain name as a trademark; (3) Complainant has not assigned sold or transferred any rights in its trademarks to Respondent; (4) Complainant has not granted any permissions to Respondent to register any of its marks or use them in a domain name, and; (5) Respondent is not making legitimate noncommercial or fair use of the disputed domain name, nor using it in connection with a bona fide offering of goods or services.

Complainant alleges that Respondent registered and used the disputed domain name in bad faith because: (1) Respondent almost certainly had actual knowledge of Complainant's rights in its trademarks when it registered the disputed domain name; (2) the disputed domain name is likely to attract Internet users to Respondent's website for its own commercial gain; (3) the disputed domain name appears to be used for illegal activity; (4) Respondent has engaged in a pattern of registering multiple domain names matching up with distinct trademarks of brand owners, and; (5) Respondent has used a privacy shield to conceal its identity.

Complainant requests the Panel to direct the Registrar to transfer the disputed domain name to Complainant.

### **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

The Center formally notified the Complaint to Respondent at the email and physical addresses provided in its record of registration. Courier delivery to the physical address provided by Respondent in its record of registration could not be completed because of inaccurate and inadequate address information provided in the record of registration. It appears that email transmission to Respondent listed addresses may have been

partially successful. The Center took those steps prescribed by the Policy and the Rules to provide notice to Respondent, and those steps are presumed to satisfy notice requirements.

Paragraph 4(a) of the Policy sets forth three elements that must be established by a complainant to merit a finding that a respondent has engaged in abusive domain name registration and use and to obtain relief. These elements are that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights;
- (ii) respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) 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 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.

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.

Complainant's dates of application and registration for its MIKRO SYSTEMS trademark appear to postdate Respondent's date of registering or acquiring the disputed domain name. For this reason, it is important to determine for purposes of the third element,<sup>3</sup> as the Panel does, that Complainant acquired unregistered trademark rights in the MIKRO and MIKRO SYSTEMS trademarks sometime prior to August 5, 2016, which is the date at which Complainant has conclusively established that it retained ownership (through its predecessor) of the disputed domain name. Such unregistered trademark rights were and are established by virtue of use in commerce by Complainant (or its predecessor in interest).<sup>4</sup>

The Panel finds Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

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

The Panel finds the first element of the Policy has been established.

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<sup>3</sup>While the UDRP makes no specific reference to the date on which the holder of the trademark or service mark acquired its rights, such rights must be in existence at the time the complaint is filed. The fact that a domain name may have been registered before a complainant has acquired trademark rights does not by itself preclude a complainant's standing to file a UDRP case, nor a panel's finding of identity or confusing similarity under the first element. Where a domain name has been registered before a complainant has acquired trademark rights, only in exceptional cases would a complainant be able to prove a respondent's bad faith.

<sup>4</sup>The trademarks MIKRO SYSTEMS and MIKRO appear to be suggestive in regard to Complainant's business and thus to be inherently distinctive, i.e. not requiring establishment of secondary meaning. Respondent has not challenged Complainant's rights in those trademarks.

## **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 Complainant, panels have recognized that proving 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 Respondent. As such, where Complainant, as here, makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on Complainant). If Respondent, as here, fails to come forward with such relevant evidence, 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 name. 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 name such as those enumerated in the Policy or otherwise.

Panels have held that the use of a domain name for illegitimate or illegal activity -- here claimed as presumptively evidenced by a strong danger warning to Internet users provided by Chrome regarding the potential installation of malware or of phishing for personal information (including for credit card information) -- can never confer rights or legitimate interests on 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.

It appears that Respondent acquired the disputed domain name shortly after Complainant (or its predecessor in interest) inadvertently allowed its registration to lapse. This suggests that Respondent registered or acquired the disputed domain name to take advantage of that lapse. It further suggests that Respondent was aware of the value of the disputed domain name to Complainant by virtue of its rights in its trademark. Even if Respondent may have acquired the disputed domain name sometime after August 5, 2016<sup>5</sup> and before October 2022 – and this seems unlikely given that content on the website associated with the disputed domain name demonstrably referred to Complainant (and its predecessor) at least until July 2022 – Respondent should have been aware of Complainant’s rights in its trademark as a consequence of viewing that website content. Respondent might have, but has not, sought to challenge Complainant’s assertion that it was aware of and sought to take advantage of Complainant’s rights when it registered the disputed domain name.

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 Respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegitimate or illegal activity -- here claimed as presumptively evidenced by a strong danger warning to Internet users provided by Chrome regarding the potential installation of malware or of phishing for personal information (including for credit card information)

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<sup>5</sup> Recalling that this is the last date for which Complainant provided a conclusive record of disputed domain name registration ownership apart from related evidence of website content.

-- constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Respondent has evidenced a pattern of registering the trademarks of third parties to prevent the owners of those trademarks from reflecting those marks in corresponding domain names. Respondent has repeated its pattern by registering the trademarks of Complainant in the disputed domain name, thereby preventing Complainant from curing its inadvertent failure to renew registration of the disputed domain name.

Respondent has failed to respond to the Complaint and to present any potential justification for its conduct in this matter.

Having reviewed the record, the Panel finds Respondent's registration and use of the disputed domain name constitutes 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 name <mikrosystems.com> be transferred to Complainant.

*/Frederick M. Abbott/*  
**Frederick M. Abbott**  
Sole Panelist  
Date: April 21, 2025