

## **ADMINISTRATIVE PANEL DECISION**

**NTT DOCOMO, INC. v. LE THI THAO**  
**Case No. D2025-1270**

### **1. The Parties**

The Complainant is NTT DOCOMO, INC., Japan, represented by Amino & Associates, Japan.

The Respondent is LE THI THAO, Viet Nam.

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

The disputed domain name <imode.net> 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 28, 2025. On March 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 29, 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 the Complainant on April 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 April 9, 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 proceeding commenced on April 15, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 9, 2025.

The Center appointed Sebastian M.W. Hughes as the sole panelist in this matter on May 14, 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**

##### **A. Complainant**

The Complainant is a leading Japanese telecommunications company, with operations worldwide. Its services include its mobile phone Internet and email service provided under the trade mark I-MODE (the "Trade Mark") since 1999.

The Complainant is the owner of numerous registrations in jurisdictions worldwide for the Trade Mark, including Japanese registration No. 4602350, with a registration date of September 6, 2002; Hong Kong, China registration No. 2001B07749AA, with a registration date of February 11, 2000; and United States of America registration No. 3037464, with a registration date of January 3, 2006.

##### **B. Respondent**

The Respondent is an individual located in Viet Nam.

##### **C. The Disputed Domain Name**

The disputed domain name <imode.net> was first registered on February 12, 1999.

The Complainant was the owner of the disputed domain name from December 5, 2007 until May 2017.

On May 1, 2017, the disputed domain name was acquired via DropCatch.com, after the Complainant failed to renew its registration for the disputed domain name.

The disputed domain name was likely transferred to the Respondent around July 2024.

##### **D. Use of the Disputed Domain Name**

The disputed domain name is resolved to a Vietnamese language website providing casino-related information and with links to third-party websites (the "Website").

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the Respondent has acquired and used the disputed domain name in order to free-ride on the domestic and international reputation of the Trade Mark, in order to secure a competitive advantage in search engine optimisation.

##### **B. Respondent**

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

## **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 the Complainant's trade mark 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 trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

Disregarding the hyphen, the entirety of the Trade Mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Trade 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.

### **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which the 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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the 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.

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.

In the present case, the Panel notes that the disputed domain name was previously registered and used by the Complainant in respect of its I-MODE mobile telecommunications services; the disputed domain name is nearly identical to the Trade Mark; the Complainant and its Trade Mark have substantial repute in respect of its I-MODE mobile telecommunications services; and the Respondent has used the disputed domain name, presumably for commercial gain, in respect of the Website.

In all the circumstances the Panel finds, on balance of probabilities, that the Respondent has opportunistically targeted the Complainant's Trade Mark in registering and using the disputed domain name via the Website, presumably for commercial gain.

The Panel finds that the 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 <imode.net> be transferred to the Complainant.

*/Sebastian M.W. Hughes/*

**Sebastian M.W. Hughes**

Sole Panelist

Date: May 28, 2025