

ADMINISTRATIVE PANEL DECISION

MasTec North America, Inc. v. Esmeralda Heredia, cIm Ilcc
Case No. D2025-1390

1. The Parties

The Complainant is MasTec North America, Inc., United States of America (“United States”), represented by Greenberg Traurig, LLP, United States.

The Respondent is Esmeralda Heredia, cIm Ilcc, United States.

2. The Domain Name and Registrar

The disputed domain name <nnastec.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 April 4, 2025. On April 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 7, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 14, 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 17, 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 April 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Parties of the Respondent’s default on May 13, 2025.

The Center appointed Ingrīda Kariņa-Bērziņa as the sole panelist in this matter on May 21, 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 is a corporation established and operating in Florida, United States, engaged in the building, installation, maintenance and upgrade of energy, communication and utility infrastructure under the MASTEC mark. It is the proprietor of the following trademark registrations:

- United States Trademark Registration No. 2544425 for MASTEC (figural mark), registered on March 5, 2002 for services in classes 37 and 42;
- United States Trademark Registration No. 2130081 for MASTEC (word mark), registered on January 20, 1998 for services in classes 37 and 42.

The Complainant operates its primary business website at the domain name <mastec.com>.

The disputed domain name was registered on July 16, 2024. At the time of this Decision, it did not resolve to an active website. The record contains evidence that it previously redirected to one or more websites featuring pay-per-click ("PPC") links including terms related to the Complainant's industry. The record reflects that email exchange ("MX") records have been configured for the disputed domain name.

The record contains evidence that the Complainant sent a cease-and-desist letter to the Respondent on October 4, 2024. The record does not reflect the Respondent's response thereto.

The Respondent is reportedly located in United States.

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 it is a leading United States infrastructure construction company operating in industries such as electrical utility transmission and distribution, wind farms, solar farms, other renewable energy, natural gas and petroleum pipeline infrastructure, wireless, wireline, satellite communication, industrial infrastructure and water and sewer systems. The Complainant has been in operation for over 80 years, employs nearly 22,000 people and has been listed on the New York Stock Exchange since 1998. It has used the MASTEC mark for 80 years. The disputed domain name is a typo of the Complainant's mark, as the double "n" is easily mistaken for the letter "m". The Respondent is not commonly known by the disputed domain name, is not affiliated with the Complainant and has no rights in its mark. The disputed domain name redirected to PPC sites. The disputed domain name has active MX records, which indicate use for email to engage in fraudulent email or phishing communications.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires the Complainant to make out all three of the following:

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

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

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 Panel finds the MASTEC mark is recognizable 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. The Panel finds that the substitution of the letters “nn” for the initial letter “m” is a misspelling of the Complainant’s mark and 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 1.9.

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 notes that the composition of the disputed domain name, in which the letters “nn” substitute for the initial letter “m” in the Complainant’s MASTEC mark, and finds that there is a risk that Internet users will not notice the subtle misspelling of the Complainant’s mark.

The Respondent has not proved rights or legitimate interests. There is no evidence that the Respondent is commonly known by the disputed domain name, or that there are any circumstances or activities that would establish the Respondent's rights therein. Rather, the disputed domain name is currently inactive, and previously resolved to a website featuring PPC links related to the Complainant's industry. Under these circumstances, the Panel finds that such use does not establish rights or legitimate interests. [WIPO Overview 3.0](#), section 2.9.

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 Respondent intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark. The disputed domain name was registered more than 20 years after the Complainant registered its MASTEC trademark. The disputed domain name is a deliberate misspelling of the Complainant's mark and therefore implies a connection to the Complainant. The available record does not provide any support for a conclusion that the disputed domain name reflects the name of the Respondent. Under these circumstances, the Panel finds that the disputed domain name was registered in bad faith. [WIPO Overview 3.0](#), section 3.1.

The Panel finds that the use of the disputed domain name to resolve to a website featuring PPC links related to the Complainant's industry is an indication of bad faith use of the disputed domain name. [WIPO Overview 3.0](#), section 3.5. The configuration of MX records is an additional indicator of bad faith.

The Respondent has provided no evidence of actual or contemplated good faith use of the disputed domain name, nor does the Panel find any such use plausible.

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 <nnastec.com> be transferred to the Complainant.

/Ingrīda Kariņa-Bērziņa/

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: June 4, 2025