ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Cincinnati Bell, Inc. v. Andrew Libby, Nimble Industries
Case No. D2026-0485

1. The Parties

Complainant is Cincinnati Bell, Inc., United States of America ("United States"), represented by FBT Gibbons LLP, United States.

Respondent is Andrew Libby, Nimble Industries, United States.

2. The Domain Name and Registrar

The disputed domain name <altafiberstatus.com> (the "Domain Name") is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 4, 2026. On February 5, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 5, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email to Complainant on February 6, 2026, 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 February 11, 2026.

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 February 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 5, 2026. The proceeding was suspended twice until April 25, 2026 in order to explore the settlement explorations. The proceeding was reinstituted as of May 4, 2026. The Response was filed with the Center on May 13, 2026.

The Center appointed Robert A. Badgley as the sole panelist in this matter on June 4, 2026. 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 alleges:

"Complainant, Cincinnati Bell Inc. and its predecessors-in-interest (collectively, 'Cincinnati Bell') (NYSE: CBB) is one of the United States' most respected and best performing local exchange and wireless providers, with a legacy of unparalleled customer service excellence and financial strength. Cincinnati Bell and its predecessors-in-interest have provided a wide range of telecommunications products and services to residential and business customers in Ohio, Kentucky, and Indiana since at least as early as 1873."

"Since at least as early as 1984, Cincinnati Bell has provided these services under CINCINNATI BELL as its primary brand name. On May 3, 2021, and in connection with Cincinnati Bell's ongoing expansion of its telecommunications products and services to residential and business customers beyond the region of Ohio, Kentucky, and Indiana, Cincinnati Bell filed intent to use trademark applications with the United States Patent and Trademark Office for the mark ALTAFIBER for use in connection with the myriad of telecommunications products and services it offers (the 'ALTAFIBER Mark')."

"On March 2, 2022, Cincinnati Bell made a formal announcement that it was changing its primary brand name to the ALTAFIBER Mark. Immediately following Cincinnati Bell's announcement of this change, numerous news outlets publicized this event on a nationwide basis."

Annexed to the Complaint are screenshots of March 2022 media articles discussing Complainant's name-change announcement.

Complainant registered the domain name <altafiber.com> in April 2021 and uses that domain name to host a commercial site offering its services and goods.

Complainant holds various registered trademarks with the United States Patent and Trademark Office ("USPTO"), including: USPTO Registration (Reg.) No. 6,881,221 for ALTAFIBER, registered on October 18, 2022 (first use date March 2, 2022); USPTO Reg. No. 7,076,074 for ALTAFIBER, registered on June 6, 2023 (first use date April 19, 2022); and USPTO Reg. No. 7,360,875 for ALTAFIBER, registered on April 16, 2024 (first use date March 2, 2022). The foregoing registrations collectively encompass a wide variety of goods and services in numerous classes.

The Domain Name was registered on June 26, 2025. Currently, the Domain Name resolves to an error page.

As of October 14, 2025, the Domain Name resolved to a parking page with a hyperlink "Related Searches", which yielded links for "Fiber Cable", "Fiber Network", and "Optical Fiber Cable".

As of February 3, 2026, Respondent's website stated:

"This free, unofficial Altafiber status page is provided by StatusGator to help you monitor Altafiber's status, outages, and uptime. If the status is inaccurate, you can report the outage here."

"StatusGator gives you early outage alerts for all the services you depend on like Altafiber, AWS, Microsoft 365, and many more. Sign up if you want to receive outage alerts for services like this one."

Complainant also alleges that Respondent set up MX records associated with the Domain Name, thereby creating the potential for Respondent using the Domain Name as an email address.

5. Parties' Contentions

A. Complainant

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

B. Respondent

On February 13, 2026, the Respondent sent an email to the Center, stating in part:

"I confirm that I do not contest the Complaint and I consent to the transfer of the disputed domain name to the Complainant. In light of this, I respectfully request that the Panel order transfer of the domain name and terminate the proceeding."

In its formal Response, Respondent stated:

"The disputed domain name resolved to a webpage that prominently and repeatedly identified itself as an 'unofficial' page provided by StatusGator, and did not represent itself as affiliated with or endorsed by Complainant. Specifically, the webpage included clear language stating that it was an 'unofficial Altafiber status page' and that it was 'provided by StatusGator.' […]"

"The disputed domain name was not used for any fraudulent or misleading purpose. Specifically:

- No email accounts were created using the domain name
- No emails were sent or received using the domain name
- The domain was not used for phishing, impersonation, or deceptive communications
- The website included clear and repeated disclaimers identifying it as unofficial Respondent did not attempt to sell the disputed domain name to Complainant or any third party."

"Upon receiving the Complaint, Respondent removed the page and discontinued use of the domain." […]

"Respondent respectfully requests that the Panel order transfer of the disputed domain name. Given Respondent's consent to transfer and the absence of any misuse of the domain name, Respondent further respectfully submits that no additional findings are necessary. Pursuant to section 4.10 of the WIPO Overview 3.0, where a respondent consents to transfer, the Panel may order transfer on that basis alone without analyzing the elements under paragraph 4(a) of the Policy."

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

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

A. Identical or Confusingly Similar

The Panel finds that Complainant has rights in the registered trademark ALTAFIBER. The Panel also finds that the Domain Name is confusingly similar to that mark. The Domain Name incorporates the mark and adds the word "status". In the Panel's view, notwithstanding the additional word, the mark is clearly recognizable within the Domain Name.

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

(i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
(ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
(iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel need not address this issue, in view of Respondent's statement that it does not contest the Complaint and consents to the transfer of the Domain Name.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation", are evidence of the registration and use of the Domain Name in "bad faith":

(i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
(ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
(iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
(iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

Again, the Panel need not address this issue, in view of Respondent's statement that it does not contest the Complaint and consents to the transfer of the Domain Name.

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 Domain Name <altafiberstatus.com> be transferred to Complainant.

/Robert A. Badgley/
Robert A. Badgley
Sole Panelist
Date: June 15, 2026