ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
MasTec North America, Inc. v. Moris Wilson, mastecindustrlals
Case No. D2026-1815

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 Moris Wilson, mastecindustrlals, United States.

2. The Domain Name and Registrar

The disputed domain name <mastecindustrlals.com> (the "Disputed Domain Name") is registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 28, 2026. On April 29, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 29, 2026, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 30, 2026, 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 May 5, 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 the Respondent of the Complaint, and the proceedings commenced on May 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 27, 2026.

The Center appointed Lynda M. Braun as the sole panelist in this matter on June 5, 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

The Complainant is a national infrastructure construction company incorporated under the laws of the State of Florida, United States, that operates across a range of industries. The Complainant's activities include the building, installation, maintenance and upgrade of energy, communication and utility infrastructure, including, but not limited to, 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 and has been involved in large and complex infrastructure construction projects across the United States. The Complainant has a workforce of approximately 22,000 skilled professionals with offices across North America.

The Complainant owns registered trademarks through the United States Patent and Trademark Office ("USPTO"), as follows: MASTEC, United States Registration No. 2,130,081, registered on January 20, 1998, in International Classes 37 and 42; MASTEC (stylized), United States Registration No. 2,544,425, registered on March 5, 2002, in International Classes 37 and 42; and MASTEC (stylized), United States Registration No. 5,849,499, registered on September 3, 2019, in International Class 7. The Complainant also claims common law rights in its MASTEC trademark dating back 80 years. The foregoing trademarks will hereinafter collectively be referred to as the "MASTEC Mark".

The Complainant owns the domain names <mastec.com> and <mastecindustrial.com>, which resolve to its official website at "www.mastec.com", and to its career-related website at "www.mastecindustrial.com", respectively.

The Disputed Domain Name was registered on January 13, 2026, and resolves to a hosting company parking page. The Respondent also configured Mail Exchanger ("MX") records so that the Disputed Domain Name could be incorporated into an email address which could potentially be used for email communications with consumers and other third parties in furtherance of a phishing scheme.

The Complainant's attorneys sent a cease-and-desist letter to the Respondent dated April 30, 2026, to demand that the Respondent immediately cease use of the Disputed Domain Name and transfer the Disputed Domain Name to the Complainant.

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 Disputed Domain Name is confusingly similar to the Complainant's trademark because the Disputed Domain Name contains the MASTEC Mark in its entirety, followed by a misspelling of the term "industrials", in which the second letter "i" is replaced with the letter "l", followed by the generic Top-Level Domain ("gTLD") ".com", and thus does not prevent a finding of confusing similarity;

- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because among other things, the Complainant has not authorized, licensed, or consented to the Respondent's registration and use of domain names incorporating the Complainant's trademarks, or any confusingly similar variation thereof, and the Respondent was not making a bona fide offering of goods or services through the Disputed Domain Name; and

- the Respondent registered and is using the Disputed Domain Name in bad faith because, among other things, the Respondent had actual knowledge of the Complainant's MASTEC Mark, and the Disputed Domain Name contains a misspelling of the term "industrials".

The Complainant seeks the transfer of the Disputed Domain Name from the Respondent to the Complainant in accordance with paragraph 4(i) of the Policy.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy requires that the Complainant prove the following three elements in order to prevail in this proceeding:

(i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and

(iii) the Disputed Domain Name was registered and is being used in bad faith.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Name is confusingly similar to the MASTEC Mark, differing only by the addition of the term "industrlals" and the misspelling of that term in which the second letter "i" is replaced with the letter "l", followed by the gTLD ".com".

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. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

It is uncontroverted that the Complainant has established rights in the MASTEC Mark based on its registered trademarks for the MASTEC Mark through the USPTO in the United States. The registration of a mark satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. As stated in section 1.2.1 of the WIPO Overview 3.1, "[w]here the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case". The Panel finds that the Complainant satisfied the threshold requirement of having trademark rights in the MASTEC Mark.

The MASTEC Mark is recognizable within the Disputed Domain Name as it incorporates the mark in its entirety, followed by the misspelled term "industrlals", in which the second letter "i" of that term is replaced with the letter "l". As stated in section 1.8 of WIPO Overview 3.1, "where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element". Thus, the addition of the term "industrlals" (misspelling of the term "industrials") to the Complainant's MASTEC Mark in the Disputed Domain Name does not prevent a finding of confusing similarity since the MASTEC Mark is recognizable. See *e.g.*, *Allianz Global Investors of America, L.P. and Pacific Investment Management Company (PIMCO) v. Bingo-Bongo*, WIPO Case No. D2011-0795; and *Hoffmann-La Roche Inc. v. Wei-Chun Hsia*, WIPO Case No. D2008-0923.

Finally, the addition of a gTLD such as ".com" in a domain name is a technical requirement. Thus, it is well established that, as here, such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark. See WIPO Overview 3.1, section 1.11.1. Accordingly, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's MASTEC Mark.

Based on the available record, the Panel finds that 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 that 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 3.1, section 2.1.

In this case, given the facts as set out above, the Panel finds that the Complainant has made out a prima facie case. The Respondent has not submitted any arguments or evidence to rebut the Complainant's prima facie case. Furthermore, the Complainant has not authorized, licensed or otherwise permitted the Respondent to use its MASTEC Mark. Nor does the Complainant have any type of business relationship with the Respondent. There is also no evidence that the Respondent is commonly known by the Disputed Domain Name or by any similar name, nor any evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services. See Policy, paragraph 4(c).

Further, based on the undisputed submissions made by the Complainant, the configuration of MX records made by the Respondent in relation to the Disputed Domain Name suggests an intention of the Respondent to use the email address associated with the Disputed Domain Name potentially for communications with consumers and other third parties in furtherance of a purported phishing scheme. Such use cannot confer rights or legitimate interests on the Respondent.

In sum, the Panel concludes that the Complainant has established an unrebutted prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name. The Panel further concludes that nothing on the record before it would support a finding that the Respondent was making a legitimate noncommercial or fair use of the Disputed Domain Name.

Based on the available record, the Panel finds that 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.

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. The Panel finds that based on the record, the Complainant has demonstrated the existence of the Respondent's bad faith registration and use of the Disputed Domain Name, 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 3.1, section 3.2.1.

First, based on the circumstances here, the Panel concludes that the Respondent's registration and use of the Disputed Domain Name had been done for the specific purpose of creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent and/or trading on the name and reputation of the Complainant and its MASTEC Mark.

Second, panels have held that the use of a domain name for illegal activity constitutes bad faith. WIPO Overview 3.1, section 3.4. Having reviewed the record, the Panel finds that the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy due to the Respondent's configuration of MX records for the Disputed Domain Name, suggesting an intent to potentially use the email address associated with the Disputed Domain Name for a fraudulent scheme in which the Respondent sends emails to the Complainant's customers and other potential third parties associated with the Complainant, presumably for the Respondent to deceive them and have them believe that the emails were from the Complainant. See WIPO Overview 3.1, section 3.1.4 (use of a domain name for per se illegitimate activity is considered evidence of bad faith). See also *Stichting BDO v. Contact Privacy Inc. Customer 7151571251/ gregory Motto*, WIPO Case No. D2022-2023 (finding illegitimate the use of an email address incorporating the disputed domain name to mislead and confuse third parties into believing that the Respondent was the Complainant). Thus, the configuration of MX records for a disputed domain name is a potential indication of a respondent's intent to use the disputed domain name for illegal activity such as to perpetuate a fraudulent/phishing email scheme, which demonstrates a respondent's bad faith, and is precisely the type of conduct that the Policy aims to proscribe. See, *e.g.*, *Tetra Laval Holdings & Finance S.A. v. Himali Hewage*, WIPO Case No. D2020-0472 (concluding that evidence of active MX records indicated that the disputed domain name may be used for fraudulent email communications); *Ares Management LLC v. juandaohanjing*, WIPO Case No. D2020-3254 (finding the Respondent used the disputed domain name in bad faith based on evidence of active "MX records for the disputed domain name" which "indicate that the Respondent has connected the disputed domain name to email servers, which creates a grave risk that the Respondent may be using the disputed domain name for misrepresentations and/or phishing and spamming activities").

Third, the Panel finds that the Respondent had actual knowledge of the Complainant and its rights in the MASTEC Mark when registering the Disputed Domain Name, emblematic of bad faith registration and use. It strains credulity to believe that the Respondent did not know of the Complainant or its MASTEC Mark, as evidenced by the Respondent's use of the Mark in the Disputed Domain Name. Thus, the Panel finds that in the present case, the Respondent had the Complainant's MASTEC Mark in mind when registering and using the Disputed Domain Name, demonstrating bad faith.

Finally, the Panel finds that the Disputed Domain Name contains an intentional misspelling of the term "industrlals" in the Disputed Domain Name, which further supports a finding of bad faith registration and use. See *Nutricia International BV v. Eric Starling*, WIPO Case No. D2015-0773.

Based on the available record, the Panel finds that the third element of the Policy has been established.

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 <mastecindustrlals.com> be transferred to the Complainant.

/Lynda M. Braun/
Lynda M. Braun
Sole Panelist
Date: June 15, 2026