

## **ADMINISTRATIVE PANEL DECISION**

Philo, Inc. v. Privacy, Organization IceNetworks Ltd.  
Case No. D2026-3058

### **1. The Parties**

Complainant is Philo, Inc., United States of America (“United States”), represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States.

Respondent is Privacy, Organization IceNetworks Ltd., Iceland.

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

The disputed domain name <philoiptv.net> is registered with Internet Domain Service BS Corp (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 10, 2026. On July 13, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 16, 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 (Domain Admin, Whois Privacy Corp.) and contact information in the Complaint. The Center sent an email communication to Complainant on July 16, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on July 20, 2026.

The Center verified that the Complaint together with the amendment to the 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 July 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 12, 2026. Respondent did not submit any formal response; however, a third party sent an email communication via the registrant’s email address to the Center on July 21, 2026, according to which Respondent apparently used the email address of such third party without any authorization to do so when registering the disputed domain name.

The Center appointed Stephanie G. Hartung as the sole panelist in this matter on August 26, 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 is a company organized under the laws of the United States that is active in the IP streaming and TV on demand industry in the United States.

Complainant has provided evidence that it is the registered owner of various trademarks relating to its company name and brand PHILO, including, but not limited to, the following:

- word trademark PHILO, United States Patent and Trademark Office (“USPTO”), registration number: 3508657, registration date: September 30, 2008, status: active; and
- word trademark PHILO, USPTO, registration number: 4969124, registration date: May 31, 2016, status: active.

Moreover, Complainant has demonstrated to own the domain name <philo.com> which was first registered in 1996, and which resolves to Complainant’s main website at “www.philo.com”, used to operate Complainant’s IP streaming and TV on demand services in the United States.

Respondent, according to the Registrar’s verification, is located in Iceland. The disputed domain name was registered on November 27, 2025. By the time of the rendering of this Decision, the disputed domain name does not resolve to any content on the Internet. Complainant, however, has demonstrated that, at some point before the filing of the Complaint, the disputed domain name resolved to a website that prominently displayed Complainant’s PHILO trademark, thereby falsely appeared to be a website for, or associated with, Complainant, by offering a service described as “PHILO TV - The best IPTV streaming service in United States”, allowing customers to “Enjoy your favorite HD content starting from just \$ 15.99/month.”. Further, Complainant has demonstrated the configuration of Mail exchange (“MX”) records under the disputed domain name, enabling Respondent to send and receive emails thereunder.

Complainant requests that the disputed domain name be transferred to Complainant.

#### **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. Notably, Complainant contends that it was founded back in 2010 and that its current PHILO-branded television service available to all consumers in the United States was launched as early as 2017 and surpassed 1 million subscribers in 2024, which is why the PHILO trademark must meanwhile be considered famous or at least widely known.

Complainant submits that the disputed domain name is confusingly similar to Complainant’s PHILO trademark, as it contains the latter in its entirety, with the inclusion of the descriptive phrase “iptv” (an abbreviation for “Internet protocol television” which is clearly related to Complainant’s business) not preventing a finding of confusing similarity. Moreover, Complainant asserts that Respondent has no rights or legitimate interests in respect of the disputed domain name since (1) Complainant has never assigned, granted, licensed, sold, transferred or in any way authorized Respondent to register or use its PHILO trademark in any manner, and (2) by using the disputed domain name in connection with a website that falsely appears to be a website for, or otherwise associated with, Complainant, Respondent has failed to

create a bona fide offering of goods or services and, therefore, cannot establish rights or legitimate interests in the disputed domain name. Finally, Complainant argues that Respondent has registered and is using the disputed domain name in bad faith since (1) the PHILO trademark is clearly famous and/or widely known which is why it is implausible that Respondent was unaware of Complainant and its PHILO trademark when it registered the disputed domain name, (2) by using the disputed domain name in connection with a website that falsely purports to be a website for, or otherwise associated with, Complainant, Respondent is clearly creating a likelihood of confusion with Complainant's PHILO trademark, constituting bad faith pursuant to paragraph 4(b)(iv) of the Policy, and (3) Respondent has established MX records for the disputed domain name, which enables it to send and receive emails thereunder and is further evidence of bad faith because it gives rise to the strong possibility that Respondent intended or intends to use the disputed domain name to send emails as part of a fraudulent phishing scheme.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

On July 21, 2026, a third party wrote to the Center via the registrant's email address as confirmed by the Registrar, claiming "I believe my email address has been used without my knowledge or authorization in the registrant information disclosed by the registrar. Although the email address listed belongs to me, I have no ownership, control, or association with the domain name or with the organization identified as "IceNetworks Ltd." I have never registered this domain and have no relationship with it."

Even if there was a communication from the email address as confirmed by the Registrar, the third party disclaims any connection with the holder of the disputed domain name. In consequence, the Panel notes there is no further communication from any actual holder of the disputed domain name and will treat Respondent as in default.

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, Complainant carries the burden of proving:

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

Respondent's default in the case at hand does not automatically result in a decision in favor of Complainant, however, paragraph 5(f) of the Rules provides that if Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute solely based upon the Complaint. Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from Respondent's failure to submit a Response as it considers appropriate.

### **A. Identical or Confusingly Similar**

First, 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 PHILO trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

Complainant has shown rights in respect of its PHILO trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1. Also, the entirety of such trademark is reproduced within the disputed domain name, merely added by the term "iptv". Accordingly, the disputed domain name is confusingly similar to Complainant's PHILO trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7. Although the addition of other terms (here, the term "iptv") may bear on assessment of the second and the third

element, the Panel takes the view that the addition of such term, which directly points at Complainant's core business in the IP streaming and TV on demand industry, does not prevent a finding of confusing similarity between the disputed domain name and Complainant's PHILO trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

The Panel, therefore, holds the first element of the Policy has been established.

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

Second, 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 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 3.1](#), 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.

In particular, Respondent has not been authorized to use Complainant's undisputedly well-reputed PHILO trademark, either as a domain name or in any other way. Also, there is no reason to believe that Respondent's name somehow corresponds with the disputed domain name, and Respondent does not appear to have any trademark rights associated with the terms "philo" and/or "iptv" on its own. To the contrary, the disputed domain name at some point in the past resolved to a website that prominently displayed Complainant's PHILO trademark, thereby falsely appeared to be a website for, or associated with, Complainant, by offering a service described as "PHILO TV - The best IPTV streaming service in United States", allowing customers to "Enjoy your favorite HD content starting from just \$ 15.99/month."; this website apparently did not contain any disclaimer informing Internet users of the non-existing (business) relationship between Respondent and Complainant, e.g. that the website is not operated by or affiliated with Complainant. Also, according to the email correspondence sent by a third party to the Center on July 21, 2026, Respondent apparently used a third-party email address without any authorization to do so when registering the disputed domain name. In this context, UDRP panels have categorically held that the use of a domain name for illegal activity (e.g., impersonation/copycat sites) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), sections 2.5 and 2.13.1.

The Panel, therefore, holds the second element of the Policy has been established, too.

## **C. Registered and Used in Bad Faith**

Third, 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.

The circumstances of this case leave no doubt that Respondent was fully aware of Complainant's rights in its undisputedly well-reputed PHILO trademark when registering the disputed domain name and that the latter is clearly directed thereto. Moreover, using the disputed domain name, which is at least confusingly similar to

Complainant's PHILO trademark and obviously combines the latter with the term "iptv" that directly points at Complainant's core business in the IP streaming and TV on demand industry, to run a website that at some point in the past prominently displayed Complainant's PHILO trademark, thereby falsely appeared to be a website for, or associated with, Complainant, by offering a service described as "PHILO TV - The best IPTV streaming service in United States", is a clear indication that Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with Complainant's PHILO trademark as to the source, sponsorship, affiliation or endorsement of Respondent's website. Such circumstances are evidence of registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

In this context, it also carries weight in the eyes of the Panel that Respondent obviously provided false contact information in the Whois register for the disputed domain name since, according to the email correspondence sent by a third party to the Center on July 21, 2026, Respondent apparently used a third-party email address without any authorization to do so when registering the disputed domain name. This fact throws a light on Respondent's behavior which supports the Panel's bad faith finding. Also, UDRP panels have long held that the use of a domain name for illegitimate/illegal activity (here, impersonation/copycat sites) constitutes bad faith. [WIPO Overview 3.1](#), section 3.1.4.

The Panel, therefore, holds that Complainant has established the third element of the Policy, too.

## 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, <philoiptv.net>, be transferred to Complainant.

*/Stephanie G. Hartung/*

**Stephanie G. Hartung**

Sole Panelist

Date: September 9, 2026