

ADMINISTRATIVE PANEL DECISION

Philo, Inc. v. Nanci Nette, Name Management Group
Case No. D2026-3857

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 Nanci Nette, Name Management Group, United States.

2. The Domain Name and Registrar

The disputed domain name <philotv.com> (hereinafter “Disputed Domain Name”) is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 28, 2026. On August 28, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On August 30, 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to Complainant on August 31, 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 the same date.

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 September 2, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 22, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 24, 2026.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on October 1, 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 uses PHILO (hereinafter the “Mark”) as a trademark in connection with television streaming services offered to all consumers in the United States. Complainant was founded as “Tivli, Inc.” in 2010 and changed its name to Philo, Inc. in 2013.

Complainant delivers its television service over Internet protocol (“IP”) infrastructure and is available on the Web, iPhone and iPad, Android phones and tablets, Roku, Fire TV, Samsung TV, VIZIO TV, LG TV, Apple TV, Android TV, and Chromecast via Android. Complainant currently offers a package of more than 70 TV channels, as well as a bundle that includes access to HBO Max Basic with Ads plan, AMC+ and discovery+.

Complainant is the registrant of the domain name <philo.inc>. According to the “About Us” section of Complainant’s associated website, Complainant surpassed 100,000 subscribers in 2018. Complainant secured more than one million subscribers in 2024.

Complainant owns several trademark registrations for the Mark, including:

- United States Registration No. 3,508,657 (registered September 30, 2008)¹
- United States Registration No. 4,969,124 (registered May 31, 2016).

Although the Disputed Domain Name was created on February 23, 1996, the evidence indicates that Respondent appears to have acquired it no earlier than sometime in February 2020². Internet visitors are redirected to what purports to be an “Apple Security” webpage that displays the Apple Logo and encourages visitors to click a link to install an app. As further detailed below, Complainant contends the Apple security webpage is fake.

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 Respondent is using the Disputed Domain Name to redirect users to a fake “Apple security” web page that displays the Apple Logo and falsely states, “Hacker is tracking you!”; and encourages users to click a link to “Install the recommended protection app.”

¹ This registration predates the founding of Complainant, but in 2013 Complainant (as Tivli, Inc.) acquired (by assignment) all rights in the PHILO trademark and the related United States trademark registration 3,508,657.

² Complainant contends, based on the historical Whois records in Annex 2, that the Disputed Domain Name was registered to another party until February 2020 and was acquired by Respondent on or about April 7, 2020. Based on the historical Whois records, the Panel finds that Respondent appears to have acquired the Disputed Domain Name no earlier than sometime in February 2020. Although the evidence does not establish the precise acquisition date, it indicates that the registrant changed after February 25, 2020.

Complainant further contends that this fake “Apple Security” warning associated with the Disputed Domain Name is a common trick employed by scammers who use what Apple has called “messages that look like they’re from legitimate companies, including Apple”. As Apple has warned users: “While browsing the web, if you see a pop-up or alert that... warns you about security problems or viruses on your device, don’t believe it. These types of pop-ups are usually fraudulent advertisements, designed to trick you into downloading damaging software or giving the scammer personal information or money.” Id.

One security vendor³ has flagged the Disputed Domain Name as “suspicious”.

Complainant further contends that Respondent has engaged in a pattern of domain name abuse, and observes that Respondent has been the losing party in many prior UDRP cases, including:

- *Mary Alice Haney v. Nanci Nette, Name Management Group*, WIPO Case No. [D2025-1875](#) (transfer of <maryalicehaney.com>)
- *RTX Corporation v. Nanci Nette, Name Management Group*, WIPO Case No. [D2025-0880](#) (transfer of <mikrosystems.com>)
- *Scribd, Inc. v. Nanci Nette, Name Management Group*, WIPO Case No. [D2024-4613](#) (transfer of <freescriddownload.com>)
- *Telefónica, S.A. v. Nanci Nette, Name Management Group*, WIPO Case No. [D2023-2350](#) (transfer of <movistarplus.com>)
- *McGraw Hill LLC v. Nanci Nette, Name Management Group*, WIPO Case No. [D2023-0260](#) (transfer of <boardsandbeyond.com>)
- *Air India Limited and Air India Express Limited v. Nanci Nette, Name Management Group*, WIPO Case No. [D2022-5020](#) (transfer of <airindiaexpress.com>)
- *AXA SA v. Nanci Nette, Name Management Group*, WIPO Case No. [D2022-4885](#) (transfer of <axa-affin.com>)
- *Qustodio Technologies S.L.U. v. Nanci Nette, Name Management Group*, WIPO Case No. [D2022-4851](#) (transfer of <qustudio.com>)

B. Respondent

Respondent did not respond to the Complaint.

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 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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the Mark is reproduced within the Disputed Domain Name. Although the addition of other terms here, “tv”, may bear on assessment of the second and third elements, the Panel finds the addition of this term does not prevent a finding of confusing similarity between the Disputed Domain Name and the Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

³ VirusTotal, a service that analyzes files and URLs for viruses, worms, trojans and other kinds of malicious content.

Accordingly, the Disputed Domain Name is confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 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.

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.

Respondent is using the website associated with the Disputed Domain Name as a platform for illegal activity including phishing/identity theft, and fraudulent passing off. Such conduct can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel finds that Respondent registered the Disputed Domain Name in bad faith. “[T]he mere registration of a domain name that is identical or confusingly similar (particularly domain names... incorporating the mark plus a descriptive term) to a well-known trademark... can by itself create a presumption of bad faith.” [WIPO Overview 3.1](#), section 3.1.4.

The Mark was widely known when Respondent acquired the Disputed Domain Name in 2020.⁴ Complainant had secured more than 100,000 subscribers by 2018, which was two years before the Disputed Domain Name was acquired and subsequently secured more than one million subscribers by 2024. In addition to active subscribers, third party services (including iPhone and iPad, Android phones and tablets, Roku, Fire TV, Samsung TV, VIZIO TV, LG TV, Apple TV, Android TV, and Chromecast via Android) have displayed and promoted the Mark to many millions of potential subscribers as an available streaming service brand on

The addition of the term “tv” to the Disputed Domain Name is further evidence that Respondent was aware of and meant to target Complainant’s Mark when it acquired the Disputed Domain Name.

⁴The Panel acknowledges the uncertainty about the exact date that Respondent acquired the Disputed Domain Name, but in all events the acquisition date was well after the registrations for the Mark issued in 2008 and 2016. The acquisition date is also well after 2018 when the evidence shows that Complainant had secured more than 100,000 subscribers.

Accordingly, the Panel finds that Respondent was aware of and intended to target Complainant's rights in the Mark when it acquired the Disputed Domain Name. "It is inconceivable that Respondent chose the contested domain name without knowledge of Complainant's activities and the name and trademark under which Complainant is doing business." *Pancil LLC v. Domain Deluxe*, WIPO Case No. [D2003-1035](#).

The Panel also finds that Respondent acquired the disputed domain name and "intentionally attempted to attract, for commercial gain, Internet users... by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [Respondent's] product or service..." in violation of paragraph 4(b)(iv) of the Policy.

The Panel also notes that Respondent has engaged in a pattern of domain name abuse, as evidenced by the prior decisions finding that Respondent violated the Policy.

The Panel finds that 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 <philotv.com> be transferred to Complainant.

/Lawrence K. Nodine/

Lawrence K. Nodine

Sole Panelist

Date: October 14, 2026