

## **ADMINISTRATIVE PANEL DECISION**

Latvijas Mobilais Telefons, SIA v. Domain Protection Services, Inc. / Boris Rublev, TV over Net Ltd  
Case No. DTV2022-0003

### **1. The Parties**

The Complainant is Latvijas Mobilais Telefons, SIA, Latvia, represented by Cobalt LLP, Latvia.

The Respondent is Domain Protection Services, Inc., United States of America / Boris Rublev, TV over Net Ltd, Seychelles.

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

The disputed domain name <imt.tv> is registered with Name.net Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 2, 2022. On May 3, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 16, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on May 17, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Center received two email communications from the Respondent on May 17, 2022. The Complainant filed an amended Complaint on May 20, 2022.

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 23, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 12, 2022. The Respondent did not file a formal Response. Accordingly, the Center notified commencement of panel appointment process on June 13, 2022.

The Center appointed Steven A. Maier as the sole panelist in this matter on June 16, 2022. 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 registered in Latvia. It is a provider of telecommunications services.

The Complainant is the owner of Latvian trademark registration number M 52 418 for the word mark LMT, registered on November 20, 2003.

The Complainant is also the owner of Latvian trademark registration number M 66 134 for a figurative mark, comprising the letters LMT and an orange and red chain-link logo, registered on June 19, 2013 for services which include “television” in International Class 38 (the “Figurative Mark”).

The Complainant operates an official website at “www.lmt.lv”.

The disputed domain name was registered on June 13, 2013.

According to evidence submitted by the Complainant, including a Domain Tools report which includes screenshots as of various dates, the disputed domain name has been used as follows:

- (1) On July 29, 2014, to resolve to a webpage which prominently featured the Figurative Mark and what appeared to be the Complainant’s corporate details. The webpage offered the disputed domain name for sale for EUR 20,000.
- (2) On June 6, 2015, to resolve to a webpage which listed the disputed domain name and other domain names for sale. The seller was identified as the Respondent, providing the same contact email address as registered by the Respondent in connection with the disputed domain name.
- (3) Between November 10, 2016 and June 19, 2017, to redirect to a website at “www.pornhub.com” featuring explicit pornographic content.
- (4) On February 27, 2018, to resolve to a webpage stating “Domain for Sale”.
- (5) On April 22, 2022, to resolve to a webpage featuring the Figurative Mark and the Complainant’s name, offering the disputed domain name for sale for EUR 20,000 and providing the Respondent’s contact email address.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The Complainant submits that the disputed domain name is both identical and confusingly similar to its trademark LMT.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It submits that the Respondent has not been authorized to use its LMT trademark and is making no *bona fide* use of the disputed domain name.

The Complainant submits that the disputed domain name was registered and is being used in bad faith. It refers to the uses of the disputed domain name described above and provides additional evidence that, on

February 11, 2022, the disputed domain name redirected to the a website at “www.bite.lv”, being the website of BITE, SIA, a competitor of the Complainant.

The Complainant contends that it is clear in all the all the circumstances that the Respondent registered the disputed domain name primarily for the purpose of selling it to the Complainant for valuable consideration in excess of its documented out-of-pocket costs directly related to the disputed domain name (paragraph 4(b)(i) of the Policy).

The Complainant requests the transfer of the disputed domain name.

## **B. Respondent**

The Respondent did not file a formal Response in this proceeding. In its first email to the Center dated May 17, 2022, the Respondent stated: “With domain contact info all fine. What kind of problems with the domain? You want to buy domain lmt.tv?” In its second email of that date it stated: “I cant change domain contact info in registrant website.”

## **6. Discussion and Findings**

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (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 has been registered and is being used in bad faith.

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

The Complainant has established that it has registered trademark rights in the mark LMT. The disputed domain name is identical to that mark, ignoring the Top-Level Domain (“TLD”) “.tv” which is typically to be disregarded for the purpose of comparison. The Panel finds therefore that the disputed domain name is identical to a trademark in which the Complainant has rights.

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

In the view of the Panel, the Complainant’s submissions set out above give rise to a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the disputed domain name. However, the Respondent has failed to file a formal Response in this proceeding and has not submitted any explanation for its registration and use of the disputed domain name, or evidence of rights or legitimate interests on its part in the disputed domain name, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise. As further discussed below, the Panel finds that the Respondent registered and has used the disputed domain name unfairly to target the Complainant’s LMT trademark. Such use by the Respondent cannot give rise to rights or legitimate interests on the part of the Respondent and the Panel therefore finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

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

Based on the evidence referred to above of the use of the disputed domain name since registration, and in the absence of any reply from the Respondent other than to refer again to a possible purchase of the disputed domain name, the Panel is in no doubt that the Respondent registered and has used the disputed

domain name for the purpose of unfairly targeting the Complainant's trademark. The Respondent's website has exhibited not only the LMT trademark but also the Figurative Mark, which is unique to the Complainant, as well as the Complainant's corporate details. The Respondent has made no secret of its wish to sell the disputed domain name for EUR 20,000 and has also sought to cause mischief for the Complainant by directing the disputed domain name to a pornographic website and to a competitor of the Complainant. It is evident to the Panel, therefore, that the Respondent registered the disputed domain name primarily for the purpose of selling it to the Complainant for valuable consideration in excess of its documented out-of-pocket costs directly related to the disputed domain name (paragraph 4(b)(i) of the Policy). The Panel finds therefore that the disputed domain name has been registered and is being used in bad faith.

## **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, <lmt.tv>, be transferred to the Complainant.

*/Steven A. Maier/*

**Steven A. Maier**

Sole Panelist

Date: June 23, 2022