

ADMINISTRATIVE PANEL DECISION

Salesforce.com, inc. v. Registration Private, Domains By Proxy, LLC / Doug Todd

Case No. D2022-2152

1. The Parties

Complainant is Salesforce, Inc., United States of America (“United States”), represented by Winterfeldt IP Group PLLC, United States.

Respondent is Registration Private, Domains By Proxy, LLC, United States / Doug Todd, United States.

2. The Domain Name and Registrar

The disputed domain name <salesforces-inc.com> is registered with Wild West Domains, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 13, 2022. On June 14, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 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 Complainant on June 22, 2022, 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 June 22, 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 Respondent of the Complaint, and the proceedings commenced on June 23, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 13, 2022. Due to an administrative oversight on the part of the Center, Respondent was granted additional time until July 20, 2022, to indicate whether it wishes to participate in the proceeding. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 21, 2022.

The Center appointed Jeffrey M. Samuels as the sole panelist in this matter on July 28, 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

Complainant Salesforce, Inc. was founded in 1999, and according to the Complaint, it is the world's leading customer relationship management (CRM) platform. It provides CRM and a variety of other cloud-based software as a service product to over 150,000 companies worldwide. As of Fiscal Year 2022, Complainant had 26.5 billion USD in revenue and over 73,000 employees.

Complainant owns numerous United States trademark registrations for the SALESFORCE and SALESFORCE.COM marks. The earliest registration for the SALESFORCE mark, United States Trademark Registration No. 2,964,712, was issued on July 5, 2005, based on a first use in commerce date of September 27, 1999. The SALESFORCE mark was ranked as the 38th best global brand by Interbrand in 2021. Complainant also owns numerous domain names that include the "salesforce" term, including <salesforce.com> and <salesforce.org>.

Complainant has promoted its SALESFORCE marks globally and SALESFORCE goods and services are wellpublicized in the media.

The disputed domain name, <salesforces-inc.com>, was registered on May 9, 2022, and does not resolve to an active website. According to Complainant, Respondent uses the disputed domain name for phishing emails.

5. Parties' Contentions

A. Complainant

Complainant asserts that the disputed domain name is identical or confusingly similar to the SALESFORCE and SALESFORCE.COM marks. It points out that the only differences between the SALESFORCE mark and the disputed domain name are that the latter adds a letter "s", a hyphen, the term "inc.", and the ".com" generic Top Level Domain ("gTLD") extension.

Complainant further contends that Respondent has no rights or legitimate interests in respect of the disputed domain name. According to Complainant, Respondent is not associated or affiliated with Complainant, is not authorized by Complainant to use the SALESFORCE marks in any manner and is not commonly known by the disputed domain name. Further, Complainant alleges, Respondent's use of the disputed domain name in connection with a fraudulent scheme intended to deceive Complainant's customers into paying money to Respondent does not constitute a *bona fide* sale of goods or services or commercial use, nor a legitimate noncommercial or fair use.

With respect to the issue of bad faith registration and use, Complainant reiterates that the disputed domain name is being used to perpetuate a fraudulent phishing scheme and to confuse Complainant's customers and induce payments of fraudulent invoices for commercial gain.

On information and belief, Complainant asserts that "Respondent willfully registered the Disputed Domain Name including the SALESFORCE Marks to unfairly capitalize on the valuable goodwill Complainant has built up in its SALESFORCE Marks, with the intention of confusing customers and committing *per se* illegitimate activity". Complainant further argues that Respondent, residing in the United States, was on actual or constructive notice of Complainant's SALESFORCE marks prior to registering the disputed domain name.

B. Respondent

Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Panel finds that Complainant, through its registrations covering its SALESFORCE and SALESFORCE.COM marks, has rights in such marks.

The Panel further determines that the disputed domain name is confusingly similar to the SALESFORCE mark. As noted by Complainant, the only differences between the mark and the disputed domain name are the addition in the latter of the letter "s", a hyphen, the term "inc.", and the ".com" gTLD. Such differences do not prevent a finding of confusing similarity, since the Complainant's SALESFORCE mark remains recognizable within the disputed domain name.

B. Rights or Legitimate Interests

The Panel concludes that Respondent has no rights or legitimate interests in the disputed domain name. The evidence supports Complainant's assertion that the disputed domain name is being used in connection with a phishing scheme. The use of a domain name in connection with illegal or fraudulent activity cannot establish rights or legitimate interests on a respondent. "Panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorized account access/hacking, impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent." See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)) section 2.13.1.

Further, there is no evidence that Respondent is authorized to use the disputed domain name or is affiliated or associated with Complainant.

C. Registered and Used in Bad Faith

Upon review of the Complaint and evidence, the Panel finds that the disputed domain name is being used to perpetuate a fraudulent email phishing scheme intended to induce Complainant's customers to pay fake invoices to Respondent for financial gain. The evidence includes a May 27, 2022, email from "Security" indicating that "[w]e have received an email from customer where they were targeted with a phishing campaign using below email. This phishing email is using a Salesforce lookalike domain 'salesforces-inc.com.' Also the attacker attempted to impersonate ... by creating a similar fake email id".

The evidence also supports a determination that, given the longstanding use of the SALESFORCE mark and the prominent, if not dominant, role Complainant plays in the providing of CRM software, Respondent had actual notice of Complainant and of its SALESFORCE mark at the time of registration of the disputed domain name. Indeed, as Complainant points out, Respondent's addition of "inc." to the disputed domain name creates a nearly identical version of the Complainant's corporate name and "further demonstrates Respondent was targeting Complainant".

Based on the above, the Panel concludes that Respondent's registration and use of Complainant's SALESFORCE mark to confuse Complainant's customers and induce payments of fraudulent invoices for Respondent's commercial gain supports a determination of bad faith registration and use of the disputed domain name. See *salesforce.com, inc. v. WhoisGuard Protected, WhoisGuard, Inc. / James Jamie*, MCR, WIPO Case No. [D2020-1861](#) ("The evidence submitted by Complainant supports a finding that the Respondent engaged in an attempt to pass itself off as the Complainant to induce the Complainant's customers into paying the Respondent's fake invoices for the latter's own benefit. The Respondent therefore

used the disputed domain name 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 <salesforces-inc.com> be transferred to Complainant.

/Jeffrey M. Samuels/

Jeffrey M. Samuels

Sole Panelist

Date: August 8, 2022