

ADMINISTRATIVE PANEL DECISION

Archer-Daniels-Midland Company v. Leo Tor
Case No. D2023-3662

1. The Parties

Complainant is Archer-Daniels-Midland Company, United States of America, represented by Innis Law Group LLC, United States of America.

Respondent is Leo Tor, United States of America.

2. The Domain Name and Registrar

The disputed domain name <adm-corps.com> (“Disputed Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 31, 2023. On August 31, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On August 31, 2023, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant 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 September 1, 2023.

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 5, 2023. In accordance with the Rules, paragraph 5, the due date for Response was September 25, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 27, 2023.

The Center appointed Michael A. Albert as the sole panelist in this matter on October 13, 2023. 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 was founded in 1902 and is now an international, multi-billion-dollar company with over 30,000 employees serving more than 140 countries around the world. Complainant's ADM mark was registered in 1986 (United States of America TM Registration No. 1386430) with a first use date at least as early as 1923.

Although Complainant was originally a food and ingredients company, its business areas now include printing and publishing; financial and business management services; fuel production, including bioethanol and biodiesel; logistics services (agricultural storage and transportation services); and research and development services. Due to Complainant's vast global presence, the ADM Mark is widely recognized.

The Disputed Domain Name was registered on June 24, 2023. At the time of the submission of the Complaint, the Disputed Domain Name does not resolve to an active website.

5. Parties' Contentions

A. Complainant

The Disputed Domain Name <adm-corps.com> and Complainant's ADM Mark are confusingly similar. The only difference is the inclusion of the "-corps" in the Disputed Domain Name, which is an element that is likely used because of its ability to be misleading and to be perceived as a legitimate source of Complainant communications. Therefore, the Disputed Domain Name and Complainant's Mark should be treated as conceptually identical.

Respondent has no rights or legitimate interests in the Disputed Domain Name. Upon information and belief, Respondent has not been commonly known by the name <adm-corps.com>. Any legitimate rights or interests in the Disputed Domain Name are negated by Respondent's attempt to fraudulently impersonate an ADM employee and deceive other businesses into believing they were communicating with a real ADM representative, which demonstrates a clear intent of fraud and bad faith.

Upon information and belief, Respondent is using the ADM Marks, name, and robust global online presence in bad faith via the Disputed Domain Name and associated fraudulent email address, to impersonate ADM's employees and deceive other businesses in the furtherance of their fraudulent schemes.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Disputed Domain Name consists of Complainant's well-known trademark ADM, and the descriptive term "-corps". Where the relevant trademark is recognizable within the Disputed Domain Name, the addition of other terms (whether descriptive, geographical, or otherwise) does not prevent a finding of confusing similarity. See, e.g., *Rakuten, Inc. v. Domain Admin, Privacy Protect, LLC (PrivacyProtect.org) / Matthew Connor, No Company*, WIPO Case No. [D2019-2983](#); *Advance Magazine Publishers Inc. v. Marcellod*

Russo, WIPO Case No. [D2001-1049](#) (finding the domain name <vogueaustralia.com> confusingly similar to the VOGUE mark); *Yahoo! Inc. v. Microbiz, Inc.*, WIPO Case No. [D2000-1050](#) (finding <yahooflorida.com> and <yahoousa.com> confusingly similar to the YAHOO! mark).

Here, Respondent registered the Disputed Domain Name using the ADM trademark and the descriptive term “corps”. Therefore, the Disputed Domain Name, <adm-corps.com> is identical or confusingly similar to Complainant’s registered trademark.

Accordingly, the Panel finds that Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Respondent has not been licensed, contracted, or otherwise permitted by Complainant to use the ADM Trademark or to apply for any domain name incorporating Complainant’s mark.

Additionally, there is no evidence that “adm-corps” is the name of Respondent’s corporate entity, nor is there any evidence of fair use. There is no evidence that Respondent is using or plans to use the ADM trademark or the Disputed Domain Name incorporating the ADM trademark for a *bona fide* offering of goods or services.

Further, Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name without intent for commercial gain. Instead, Respondent is using the Disputed Domain Name with the intent to deceive businesses and individuals, and to tarnish Complainant’s ADM marks. After Respondent registered the Disputed Domain Name, Respondent created an email address associated with the Disputed Domain Name, [...]@adm-corps.com, to contact a third-party supplier and apply for a purchasing credit with the supplier using false information.

The supplier suffered a significant financial loss as a result of Respondent’s fraudulent activity, as it was not able to retrieve the shipped products back after the fraudulent activity was discovered. Respondent’s fraudulent actions demonstrate its intent not only to deceive unsuspecting individuals, but to exploit and tarnish the established reputation and credibility of Complainant.

The Panel finds that Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Respondent undoubtedly used the email address associated with the Disputed Domain Name to confuse consumers into erroneously believing that the emails were coming from Complainant by communicating with third party businesses and placing large orders of products with no intention of paying for the orders. Complainant has demonstrated that Respondent has acted in a clearly fraud and bad-faith manner. Respondent’s use of Complainant’s headquarters location information, trademarks, and branding in the email signature further enforce Respondent’s bad faith in impersonating Complainant.

The Panel finds that Complainant has satisfied paragraph 4(a)(iii) 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, <adm-corps.com>, be transferred to Complainant.

/Michael A. Albert/

Michael A. Albert

Sole Panelist

Date: October 27, 2023