

ADMINISTRATIVE PANEL DECISION

LinkedIn Corporation v. dx noyan
Case No. D2022-2067

1. The Parties

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

The Respondent is dx noyan, Bangladesh.

2. The Domain Name and Registrar

The disputed domain name <pvalinkedin.com> is registered with OwnRegistrar, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 8, 2022. On June 8, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 9, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 the Respondent of the Complaint, and the proceedings commenced on June 17, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 7, 2022. The formal Response was not submitted, but informal communications from the Respondent were sent to the Center on June 17, 2022. On July 12, 2022, the Center notified the Parties with the commencement of Panel Appointment Process.

The Center appointed Anne-Virginie La Spada 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

The Complainant is a professional online network founded in 2003 that focuses on professional networking and career development.

Among other registrations, the Complainant is the owner of the following trademark registrations:

- United States Trademark registration No. 3074241 for “LINKEDIN”, registered on March 28, 2006 in Class 35;
- United States Trademark registration No. 3303349 for “LINKEDIN.COM”, registered on October 2, 2007 in Class 35.

The Complainant has also registered the domain name <linkedin.com>.

The disputed domain name was registered on March 5, 2022.

At the time of filing of the Complaint, the disputed domain name redirected users to a website offering for sale online professional accounts including “New Linkdin Account” and “Linkdin Followers”.

5. Parties’ Contentions

A. Complainant

According to the Complainant, the disputed domain name is confusingly similar to its LINKEDIN registered trademark as it captures the entirety of its trademark with the mere adjunction of the acronym “pva” (standing for “phone verified account”, a phrase used on the Respondent’s website).

The Complainant further contends that the Respondent is not sponsored by or affiliated with the Complainant in any way and that the Complainant has not authorized the Respondent to include its mark in the disputed domain names. Nor has the Complainant any knowledge that the Respondent is commonly known by the disputed domain names.

Finally, the Complainant contends that the Respondent has used and registered the disputed domain name in bad faith. Considering the fact that the disputed domain name resolves to a website offering for sale online professional accounts including for the Complainant’s platform, the Respondent was aware of the existence of the Complainant and of its trademark when it registered the disputed domain name. Furthermore, according to the Complainant, the registration of the disputed domain name is associated with an increase in fraudulent registrations for the Complainant’s “Sales Navigator” service which offers various services. The Respondent has therefore intentionally misappropriated the Complainant’s trademark as a way of redirecting internet users to the disputed domain name’s website for commercial gain.

B. Respondent

The Respondent did not formally reply to the Complainant’s contentions. The Respondent sent informal communications to the Center on June 17, 2022.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, a complainant must assert and prove each of the following:

- (i) the domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and

- (ii) the respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) the domain name registered by the respondent has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The disputed domain name incorporates entirely the Complainant's trademark LINKEDIN, with the adjunction of the prefix "pva".

The addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) to a domain name where the relevant trademark is recognizable within the disputed domain name is considered by UDRP panels to be confusingly similar to the relevant mark for purposes of the first element (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8).

In the present case, the trademark LINKEDIN is clearly recognizable in the disputed domain name. The mere addition of the term "pva" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark.

UDRP panels accept that a gTLD, such as ".com", may be disregarded when assessing whether a domain name is identical or confusing similar to a trademark (see [WIPO Overview 3.0](#), section 1.11).

The Panel finds accordingly that the Complainant has successfully established the requirement under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Based on the information submitted by the Complainant, the Respondent does not appear to have rights or legitimate interests in respect of the disputed domain name, nor has the Complainant granted to the Respondent any authorization to use the disputed domain name. Moreover, there is no evidence indicating that the Respondent is commonly known by the disputed domain name.

The Respondent does not appear to have operated any *bona fide* or legitimate business under the disputed domain name and is not making a noncommercial or fair use of the disputed domain name. Instead, the disputed domain name resolves to a website offering for sale online professional accounts including for the Complainant's platform. Such use further supports the apparent lack of rights or legitimate interests of the Respondent in the disputed domain name. Indeed, attracting Internet users to a website offering fake online accounts for the Complainant's platform (as well as professional accounts with other service providers) can hardly be a legitimate or fair use.

Finally, the Respondent did not file a formal Response to the Complaint. The Panel may draw from the lack of a Response the inferences that it considers appropriate, according to the Rules, paragraph 14(b).

In view of the above, the Panel finds that the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, and that the Respondent's failure to file a formal response leaves such *prima facie* case un rebutted, as the informal communications do not include any relevant allegations or evidence for this purpose.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, and that the Complainant has satisfied the condition set out in paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Given that the trademark LINKEDIN of the Complainant is distinctive and has been widely used before the registration of the disputed domain name, and that the Respondent sells online professional accounts for the

Complainant's platform, the Panel accepts that the Respondent was aware of the existence of the Complainant and of its LINKEDIN trademark at the time of the registration of the disputed domain name. Accordingly, the Panel finds that the disputed domain name was registered in bad faith.

Under paragraph 4(b)(iv) of the Policy, the use of a disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of a web site or location or of a product or service on the website or location, amounts to evidence of registration and use in bad faith.

The Respondent used the disputed domain name to redirect users to a website selling online fake accounts for the Complainant's platform. Such use was apt to create the false impression that the Respondent's website was operated or endorsed by the Complainant. Consequently, by using the disputed domain name in such manner, the Respondent intentionally attempted to attract, for the purposes of commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark as to the source and affiliation of its website. Such behavior constitutes use in bad faith under paragraph 4(b)(iv) of the Policy.

For the reasons set out above, the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith, and that the Complainant has satisfied the condition set forth in 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 <pvalinkedin.com> be transferred to the Complainant.

/Anne-Virginie La Spada/

Anne-Virginie La Spada

Sole Panelist

Date: August 11, 2022