

ADMINISTRATIVE PANEL DECISION

LinkedIn Corporation v. April Lewzader
Case No. D2022-3186

1. The Parties

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

The Respondent is April Lewzader¹, United States.

2. The Domain Names and Registrar

The disputed domain names <accountreceivablelinkedin.com>, <accountsreceivablelinkedin.com>, and <accreceivable-linkedin.com> (the “Disputed Domain Names”) are registered with Google LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 29, 2022 in relation to the Disputed Domain Names and other four domain names. On August 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names and the other four domain names. On August 30, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Disputed Domain Names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on August 30, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on September 5, 2022, withdrawing four domain names upon receipt of the Center’s notice of multiple underlying registrants.

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 September 6, 2022. In accordance with the Rules,

¹ The Panel notes that the Complaint was filed against a Privacy service.

paragraph 5, the due date for Response was September 26, 2022. On September 9, September 15, and September 16, 2022, the Center received email communications from the concerned privacy service provider. Accordingly, the Center notified the commencement of Panel Appointment on September 27, 2022.

The Center appointed Lynda M. Braun as the sole panelist in this matter on October 17, 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

Founded in 2003, the Complainant connects the world's professionals to make them more productive and successful. With more than 850 million members in more than 200 countries and regions, including executives from every Fortune 500 company, the Complainant is one of the world's largest professional networks on the Internet. The Complainant has more than 19,000 full-time employees with 36 offices in cities worldwide and operates websites in 26 languages. The Complainant became a public company on May 18, 2011 and traded on the New York Stock Exchange until the Complainant was acquired by the Microsoft Corporation.

The Complainant owns trademarks registered with the United States Patent and Trademark Office ("USPTO"), and which include, but are not limited to: LINKEDIN, United States Registration No. 3,074,241, registered on March 28, 2006; LINKEDIN.COM, United States Registration No. 3,303,349, registered on October 2, 2007; and LINKEDIN, United States Registration No. 4,007,079, registered on August 2, 2011. In addition, the Complainant is the owner of at least 235 trademark registrations in at least 62 jurisdictions worldwide that consist of or incorporate the trademark LINKEDIN.

The foregoing trademarks will hereinafter collectively be referred to as the "LINKEDIN Mark",

The Disputed Domain Names were registered as follows:

<accountreceivablelinkedin.com> on June 21, 2022;
<accountsreceivablelinkedin.com> on August 4, 2022; and
<accreceivable-linkedin.com> on August 8, 2022.

The Disputed Domain Names resolve to inactive websites with no substantive content.

Furthermore, the Respondent activated mail exchanger ("MX") records, which were used as part of a phishing scheme to impersonate the Complainant, enabling the Respondent to send and receive email with addresses that use the Disputed Domain Names. For example, on August 4, 2022, a bank notified the Complainant about a business email compromise scam ("BEC") targeting the Complainant in which the Disputed Domain Name <accountreceivablelinkedin.com> was used to forward emails and invoices to the Complainant's customer that appeared to be from the Complainant.

5. Parties' Contentions

A. Complainant

The following are the Complainant's contentions:

- the Disputed Domain Names are confusingly similar to the Complainant's LINKEDIN Mark.
- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Names.
- the Disputed Domain Names were registered and are being used in bad faith.

- the Complainant seeks the transfer of the Disputed Domain Names from the Respondent in accordance with paragraph 4(i) of the Policy.

B. Respondent

The Respondent did not reply to the Complainant's contentions. However, the Center received email communications from the proxy service provider stating it is a third party of privacy protection services.

6. Discussion and Findings

In order for the Complainant to prevail and have the Disputed Domain Names transferred to the Complainant, the Complainant must prove the following (Policy, paragraph 4(a)):

(i) the Disputed Domain Names are 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 Disputed Domain Names; and

(iii) the Disputed Domain Names were registered and are being used in bad faith.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Names are confusingly similar to the LINKEDIN Mark as explained below.

It is uncontroverted that the Complainant has established rights in the LINKEDIN Mark based on its years of use as well as its numerous registered trademarks for the LINKEDIN Mark in the United States and dozens of jurisdictions worldwide. The Respondent has not rebutted this presumption, and therefore the Panel finds that the Complainant has rights in the LINKEDIN Mark.

The Disputed Domain Names consist of the LINKEDIN Mark in its entirety with the addition of other terms, and in one case, a hyphen, followed by the generic Top-Level Domain ("gTLD") ".com". Where the trademark is recognizable in the Disputed Domain Names, the addition of a term, such as "account", "accounts", "acc" (the abbreviation for "accounts"), and/or "receivable" does not prevent a finding of confusing similarity. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8 ("where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element"). Moreover, it is well established that a disputed domain name that wholly incorporates a trademark may be confusingly similar to that trademark for purposes of the Policy despite the addition of a hyphen. The presence or absence of punctuation marks such as hyphens cannot on their own avoid a finding of confusing similarity. See *Six Continents Hotels, Inc. v. Helen Siew*, WIPO Case No. [D2004-0656](#).

Finally, the addition of a gTLD such as ".com" in a domain name is technically required. Thus, it is well established that such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#) and [WIPO Overview 3.0](#), section 1.11.1. Thus, the Panel concludes that the Disputed Domain Names are confusingly similar to the Complainant's LINKEDIN Mark.

Accordingly, the Panel finds that the first element of paragraph 4(a) of the Policy has been met by the Complainant.

B. Rights or Legitimate Interests

Under the Policy, a complainant has to make out a *prima facie* case that the respondent lacks rights or legitimate interests in the disputed domain names. Once such a *prima facie* case is made, the respondent carries the burden of production of evidence that demonstrates rights or legitimate interests in the disputed domain names. If the respondent fails to do so, the complainant may be deemed to have satisfied paragraph 4(a)(ii) of the Policy. See [WIPO Overview 3.0](#), section 2.1.

In this case, given the facts as set out above, the Panel finds that the Complainant has made out a *prima facie* case. The Respondent has not submitted any arguments or evidence to rebut the Complainant's *prima facie* case. Furthermore, the Complainant has not authorized, licensed or otherwise permitted the Respondent to use its LINKEDIN Mark. Nor does the Complainant have any type of business relationship with the Respondent. There is also no evidence that the Respondent is commonly known by the Disputed Domain Names or by any similar names, nor any evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Names in connection with a *bona fide* offering of goods or services. See Policy, paragraph 4(c).

Based on the Respondent's use made of the Disputed Domain Names to activate emails using MX records to perpetuate a phishing scheme or to use the Disputed Domain Names in connection with a BEC scam targeting the Complainant's customers does not confer rights or legitimate interests on the Respondent. See [WIPO Overview 3.0](#), section 2.13.1 ("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.").

Thus, the Panel concludes that nothing on the record before it would support a finding that the Respondent is making a legitimate noncommercial or fair use of the Disputed Domain Names. Rather, the Panel finds that the Respondent is using the Disputed Domain Names for commercial gain with the intent to mislead by defrauding the Complainant's customers. Such use cannot conceivably constitute a *bona fide* offering of a product/service within the meaning of paragraph 4(c)(i) of the Policy.

Accordingly, the Panel finds that the second element of paragraph 4(a) of the Policy has been met by the Complainant.

C. Registered and Used in Bad Faith

The Panel finds that, based on the record, the Complainant has demonstrated the existence of the Respondent's bad faith pursuant to paragraph 4(b) of the Policy as set forth below.

First, the Panel finds that the Respondent had actual knowledge of the Complainant's LINKEDIN Mark and targeted the Complainant when it registered the Disputed Domain Names, demonstrating the Respondent's bad faith. Based on the widespread use of the LINKEDIN Mark worldwide, it strains credulity to believe that the Respondent had not known of the Complainant or its LINKEDIN Mark when registering the Disputed Domain Names. The Respondent's awareness of the Complainant and its LINKEDIN Mark additionally suggests that the Respondent's decision to register the Disputed Domain Names was intended to cause confusion with the Complainant's LINKEDIN Mark and to disrupt the Complainant's business. Such conduct indicates that the Respondent registered and used the Disputed Domain Names in bad faith.

Second, inactive or passive holding of the Disputed Domain Names <accountsreceivablelinkedin.com> and <accreceivable-linkedin.com> by the Respondent may amount to bad faith use. See *Advance Magazine Publishers Inc. and Les Publications Condé Nast S.A. v. ChinaVogue.com*, WIPO Case No. [D2005-0615](#); *Société pour l'Oeuvre et la Mémoire d'Antoine de Saint Exupéry – Succession Saint Exupéry – D'Agay v. Perlegos Properties*, WIPO Case No. [D2005-1085](#). It has long been held in UDRP decisions that the passive holding of a domain name that incorporates a well-known trademark without a legitimate purpose may indicate that the disputed domain name is being used in bad faith under paragraph 4(a)(iii) of the Policy.

See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); *Jupiters Limited v. Aaron Hall*, WIPO Case No. [D2000-0574](#). Here, the Disputed Domain Names <accountsreceivablelinkedin.com> and <accreceivable-linkedin.com> currently resolve to inactive landing pages with no content, which does not prevent a finding of bad faith.

The activation of MX records for the Disputed Domain Names by the Respondent is evidence of bad faith because it “give[s] rise to the strong possibility that [the] Respondent intended or intends to use the disputed domain name[s] to send emails as part of a fraudulent phishing scheme.” The use of the Disputed Domain Name <accountreceivablelinkedin.com> in connection with a BEC scam demonstrates the Respondent’s bad faith under paragraph 4(b)(iv) of the Policy. See *Altria Group, Inc. and Altria Group Distribution Company v. Emerson Terry*, WIPO Case No. [D2021-0045](#). See also [WIPO Overview 3.0](#), section 3.1.4 (“the use of a domain name for *per se* illegitimate activity such as ... phishing... is manifestly considered evidence of bad faith”).

Finally, the registration of a disputed domain name that reproduces a trademark in its entirety (being identical or confusingly similar to such trademark) by an individual or entity that has no relationship to that mark, without any reasonable explanation on the motives for the registration, may be sufficient in certain circumstances to infer bad faith. See *Ebay Inc. v. Wangming*, WIPO Case No. [D2006-1107](#); *Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#). Based on the circumstances here, the Respondent registered and is using the Disputed Domain Names in bad faith to target the Complainant’s LINKEDIN Mark.

Accordingly, the Panel finds that the third element of paragraph 4(a) of the Policy has been met by the Complainant.

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 Names <accountreceivablelinkedin.com>, <accountsreceivablelinkedin.com>, and <accreceivable-linkedin.com> be transferred to the Complainant.

/Lynda M. Braun/

Lynda M. Braun

Sole Panelist

Date: October 31, 2022