

## ADMINISTRATIVE PANEL DECISION

Salesforce, Inc. v. 林凡  
Case No. D2023-1198

### 1. The Parties

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

The Respondent is 林凡, China.

### 2. The Domain Names and Registrar

The disputed domain names <e-salesforce.com> and <g-salesforce.com> are registered with Name.com, Inc. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 17, 2023. On March 17, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 21, 2023, 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 April 13, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 3, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 31, 2023.

The Center appointed Ian Lowe as the sole panelist in this matter on August 30, 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**

The Complainant is a United States corporation founded in 1999 with its headquarters in San Francisco. It is one of the leading customer relationship management (CRM) platforms, and provides CRM and a variety of other cloud-based software as a service products to over 150,000 companies worldwide. In the financial year 2022, the Complainant had revenue of USD 26.5 billion and over 73,000 employees.

The Complainant is the proprietor of a number of registered trademarks around the world for SALESFORCE including United States trademark number 2,964,712 SALESFORCE registered on July 5, 2005, International trademark number 831947 SALESFORCE.COM registered on May 3, 2004 and United States trademark number 5,551,061 SALESFORCE and device (the "Logo Mark") registered on August 28, 2018. The Complainant also owns numerous domain names comprising SALESFORCE including <salesforce.com> registered on December 1, 1998.

The <g-salesforce.com> disputed domain name was registered on May 29, 2022 and does not presently resolve to an active website. Prior to the Complainant's requesting the website at the domain name to be disabled, its home page featured prominently the Complainant's Logo Mark and the phrase "WITH THE WORLD'S FIRST CRM TO CONDUCT SALES, MARKETING & SERVICE". The Complainant was alerted to the website by an individual who had received an online work offer that promised commission for performing tasks but first required an upfront payment. The offer was made in the name of the Complainant and the recipient was concerned as to whether the offer was genuine.

The <e-salesforce.com> disputed domain name was registered on July 16, 2022 and resolves to a Sedo parking page comprising links to web pages of pay-per-click links to the websites of third parties including competitors of the Complainant.

#### **5. Parties' Contentions**

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

The Complainant contends that the disputed domain names are confusingly similar to its SALESFORCE and SALESFORCE.COM trademarks (the "Marks"), that the Respondent has no rights or legitimate interests in respect of the disputed domain names, and that the Respondent registered or is using the disputed domain names in bad faith within the meaning of the Policy.

##### **B. Respondent**

The Respondent did not reply to the Complainant's contentions.

#### **6. Discussion and Findings**

For this Complaint to succeed in relation to the disputed domain names the Complainant must prove that:

- (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 have been registered and are being used in bad faith.

##### **A. Identical and Confusingly Similar**

The Complainant has uncontested rights in the Marks, both by virtue of its trademark registrations and as a result of the substantial goodwill and reputation acquired through its widespread use of the Mark over a number of years. The disputed domain names both comprise the entirety of the Complainant's

SALESFORCE.COM mark save for the addition of the suffixes “g-” and “e-”. Ignoring the generic Top-Level Domain (“gTLD”) “.com”, the disputed domain names both comprise the entirety of the Complainant’s SALESFORCE mark save for the addition of those suffixes. The addition of these letters does not prevent a finding of confusing similarity between the disputed domain names and the Marks. Accordingly, the Panel finds that the disputed domain names are confusingly similar to a trademark in which the Complainant has rights.

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

The Complainant has made out a strong *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the disputed domain names. The Respondent is not authorized by the Complainant to use the disputed domain names. The Respondent has not used the disputed domain names in connection with a *bona fide* offering of goods or services, but rather, in the case of <g-salesforce.com> has used it for a website impersonating the Complainant and to make fraudulent offers of work in the Complainant’s name. The Panel is satisfied that the Respondent set up the website with a view to confusing Internet users into believing that the Respondent’s Website was operated by or authorised by the Complainant and to phish for personal information and/or funds for fraudulent purposes. Such activity cannot possibly give rise to rights or legitimate interests.

The <e-salesforce.com> disputed domain name is not being used for an active website but to resolve to a webpage of links comprising in turn click through links to third party websites including the websites of competitors of the Complainant.

The Respondent has chosen not to respond to the Complaint or to take any steps to counter the *prima facie* case established by the Complainant. In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the disputed domain names.

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

In light of the use of the Complainant’s SALESFORCE mark and the nature of the Respondent’s website domain name, the Panel is in no doubt that the Respondent had the Complainant and its rights in the SALESFORCE mark in mind when it registered the disputed domain names. The Panel considers that the Respondent has registered and used the disputed domain names to deceive Internet users into believing that the disputed domain names are operated or authorized by the Complainant, and to attract Internet users by creating a likelihood of confusion with the SALESFORCE mark.

In the case of the <g-salesforce.com> domain name this was either with a view to phishing for personal information or other fraudulent purposes, and no doubt for commercial gain, which clearly amounts to bad faith registration and use for the purposes of paragraph 4(a) of the Policy. In the case of <e-salesforce.com>, using the disputed domain name for a website comprising pay-per-click links to third party websites also amounts to bad faith registration and use.

## **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 <e-salesforce.com> and <g-salesforce.com> be transferred to the Complainant.

/Ian Lowe/

**Ian Lowe**

Sole Panelist

Date: September 15, 2023