

ADMINISTRATIVE PANEL DECISION

LinkedIn Corporation v. HILAL SAID

Case No. D2023-1606

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 HILAL SAID, Oman.

2. The Domain Name and Registrar

The disputed domain name <linkedin-oman.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 13, 2023. On April 13, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 14, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 17, 2023, 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 amendment to the Complaint on April 25, 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 the Respondent of the Complaint, and the proceedings commenced on April 26, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 16, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 23, 2023.

The Center appointed Christian Gassauer-Fleissner as the sole panelist in this matter on June 6, 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 was founded in 2003, and provides the world's largest professional network on the Internet with more than 900 million members in more than 200 countries and regions. 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 under the symbol "LNKD" until the Complainant was acquired by Microsoft Corporation. When Microsoft Corporation announced its intention, on June 13, 2016, to acquire the Complainant, the all-cash transaction was valued at USD 26.2 billion.

The Complainant is the owner of several trademarks for LINKEDIN ("LINKEDIN Trademark"), including:

- United States Trademark Registration LINKEDIN No. 3074241, registered on March 28, 2006;
- United States Trademark Registration LINKEDIN.COM No. 3,303,349, registered on October 2, 2007;
- United States Trademark Registration LINKEDIN No. 4007079, registered on August 2, 2011;
- United States Trademark Registration LINKEDIN (combined) No. 3074242, registered on March 28, 2006;
- United States Trademark Registration LINKEDIN (combined) No. 3971644, registered on May 31, 2011;
- European Union Trademark Registration LINKEDIN No. 013250841, registered on March 23, 2015;
- Yemen Trademark Registration LINKEDIN No. 70256, registered on August 6, 2016.

The Complainant is also owner of numerous domain names containing the LINKEDIN Trademark including the domain name <linkedin.com>, registered on November 2, 2002.

The disputed domain name was registered on February 18, 2023. The Complainant has provided evidence showing that the disputed domain name resolved to a website which appeared to be a website for, or associated with, the Complainant by using the LINKEDIN trademark and by offering online courses similar to the Complainant's LinkedIn Learning services. At the time of the Decision, the disputed domain name does not lead to any securely accessible website.

5. Parties' Contentions

A. Complainant

On the first element of the Policy, the Complainant claims that the disputed domain name is confusingly similar to the Complainant's LINKEDIN Trademark. The disputed domain name includes the entire LINKEDIN Trademark, with only the addition of the geographic word "oman", a hyphen and the generic Top-Level Domain ("gTLD") ".com". The additional elements may be disregarded under the first element confusing similarity test.

On the second element of the Policy, the Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use the LINKEDIN Trademark in any manner. The Respondent has failed to create a *bona fide* offering of goods or services by using the disputed domain name in connection with a website that appears to be a website for, or otherwise associated with, the Complainant. Further, to the Complainant's knowledge, the Respondent has never been commonly known by the disputed domain name and has never acquired any trademark or service mark rights in the disputed domain name.

On the third element of the Policy, the Complainant asserts that the Respondent registered and used the disputed domain name in bad faith. Since the disputed domain name resolved to a website which appeared to be a website for, or otherwise associated with, the Complainant, it is more than likely that the Respondent registered the disputed domain name in bad faith, in order to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's LINKEDIN Trademark. Furthermore, the LINKEDIN Trademark is famous and/or widely known, given that it is protected by at least 235 trademark registrations in at least 62 jurisdictions worldwide, the oldest of which was registered 17 years ago. Moreover, even the mere registration of a domain name identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can itself create a presumption of bad faith

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules requires that the Panel's decision be made "on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

It has been a consensus view in previous UDRP decisions that a respondent's default (*i.e.*, failure to submit a response) would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true (see section 4.3 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

The Complainant must evidence each of the three elements required by paragraph 4(a) of the Policy in order to succeed on the Complaint, namely that:

- (i) the disputed domain name 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 disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant, under the first requirement of paragraph 4(a)(i) of the Policy, needs to establish that the disputed domain name is identical or confusingly similar to a trademark or a service mark in which it has rights.

The Complainant is registered as the owner of several trademarks containing LINKEDIN. Suitable evidence was submitted. Consequently, the Panel finds that the Complainant has proven that it has rights in the LINKEDIN Trademark.

The disputed domain name contains the LINKEDIN Trademark entirely with the addition of the term "oman" and a hyphen as well as the gTLD ".com". Section 1.8 of [WIPO Overview 3.0](#) states: "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. The nature of such additional term(s) may however bear on assessment of the second and third elements." Further, the addition of a hyphen does not prevent a finding of identity or confusing similarity (see *The Channel Tunnel Group Ltd. v John Powell*, WIPO Case No. [D2000-0038](#)). Moreover, section 1.11.1 of [WIPO Overview 3.0](#) states: "The applicable TLD in a domain name (*e.g.*, ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing

similarity test". The gTLD ".com" will therefore be discounted in the Panel's consideration of confusing similarity.

The Panel finds that the relevant trademark LINKEDIN is recognizable within the disputed domain name, so that the term "oman" and the hyphen do not prevent a finding of confusing similarity.

For the reasons above, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark, and that the Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The second element the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Regarding the second element of the Policy, section 2.1 of [WIPO Overview 3.0](#) states, "where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element". In this case, the Respondent did not reply to the Complainant's contentions.

According to the Complaint, the Complainant has not authorized the Respondent to use the LINKEDIN Trademark, the Respondent is not commonly known by the disputed domain name, and the Respondent has not used the disputed domain name for a legitimate noncommercial or fair use, nor used it in connection with a *bona fide* offering of goods or services. Further, the Respondent has not attempted to justify why the disputed domain name was registered. Moreover, the Panel finds that the composition of the disputed domain name, adding the geographic term "oman" to the Complainant's LINKEDIN Trademark, carries a risk of implied affiliation, and coupled with the use of the disputed domain name that used to resolve to a website which appeared to be a website for, or associated with, the Complainant by using the LINKEDIN Trademark and by offering online courses similar to Complainant's LinkedIn Learning services, affirms the Respondent's intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant's mark, as to the origin or affiliation of the website at the disputed domain name.

Accordingly, the Panel finds that the Complainant has made a *prima facie* showing of the Respondent's lack of rights or legitimate interests in respect of the disputed domain name, which has not been rebutted by the Respondent. The Panel therefore finds that the Complainant has established the second element of the Policy in accordance with paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

The third element of paragraph 4(a) of the Policy requires that the Complainant demonstrate that the Respondent registered and is using the disputed domain name in bad faith. Section 3.1 of [WIPO Overview 3.0](#) states, "bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark". Section 3.2.2 of the [WIPO Overview 3.0](#) reads: "Noting the near instantaneous and global reach of the Internet and search engines and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known that its registration would be identical or confusingly similar to a complainant's mark. Further factors including the nature of the domain name, the chosen top-level domain, any use of the domain name, or any respondent pattern, may obviate a respondent's claim not to have been aware of the complainant's mark."

Considering the reputation and public presence of the Complainant, it is unlikely that the Respondent had no knowledge of the LINKEDIN Trademark. The incorporation of the LINKEDIN Trademark within the disputed domain name as well as the fact that the disputed domain name resolved to a website which appeared to be a website for, or associated with, the Complainant by using the LINKED trademark and by offering online courses similar to the Complainant's LinkedIn Learning services, demonstrates the Respondent's actual awareness of and intent to target the Complainant. In light of the lack of any rights to or legitimate interests in the disputed domain name of the Respondent, the Panel finds from the present circumstances that the Respondent has intentionally attempted to attract Internet users to its website or affect the commercial activities of the Complainant by creating a likelihood of confusion with the Complainant's trademarks. This is particularly confirmed with the inclusion of the geographical term "oman" within the disputed domain name, as it is rather likely that the Respondent attempted to attract Internet users located in this region.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of 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 <linkedin-oman.com> be transferred to the Complainant.

/Christian Gassauer-Fleissner/
Christian Gassauer-Fleissner
Sole Panelist
Date: June 20, 2023