

## **ADMINISTRATIVE PANEL DECISION**

LinkedIn Corporation v. Kaoutar BOUJA

Case No. D2023-2558

### **1. The Parties**

The Complainant is LinkedIn Corporation, United States of America (the “United States”), represented by The GigaLaw Firm LLC, United States.

The Respondent is Kaoutar BOUJA, Morocco.

### **2. The Domain Name and Registrar**

The disputed domain name <linkedin-job.com> is registered with Ligne Web Services SARL (the “Registrar”).

### **3. Procedural History**

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on June 14, 2023. On June 14, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 15, 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 (undisclosed) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 15, 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 June 15, 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”).

On June 15, 2023, the Center notified the Complainant that the language of the registration agreement of the disputed domain name was French. It invited the Complainant to provide satisfactory evidence of an agreement between the Complainant and the Respondent to the effect that the proceedings should be in English; or to submit the Complaint translated into French; or to submit a request for English to be the language of the administrative proceedings. On June 15, 2023, the Complainant submitted a request for English to be the language of the administrative proceedings.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint in English and French, and the proceedings commenced on June 23, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 13, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 17, 2023.

The Center appointed Elise Dufour as the sole panelist in this matter on July 19, 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. The Complainant provides one of 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 numerous trademarks for LINKEDIN ("LINKEDIN Trademark"), including:

- United States Trademark Registration LINKEDIN No. 3074241, registered on March 28, 2006;
- United States Trademark Registration LINKEDIN No. 4007079, registered on August 2, 2011;
- European Union Trade Mark Registration LINKEDIN No. 004183893, registered on July 24, 2006.

The Complainant is also the 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 November 28, 2020.

The Complainant has provided evidence showing that the disputed domain name used to resolve to a website that purportedly offered job listing.

At the time of the decision, the disputed domain name does not resolve to an active website.

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

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

For the Complainant, the disputed domain name is confusingly similar to its prior rights: the disputed domain name is composed of an identical reproduction of the Complainant's LINKEDIN Trademark plus a hyphen and the word "job" and the generic Top-Level Domain ("gTLD") extension ".com". The Complainant argues where a domain name incorporates the entirety of a trademark, the domain name should be considered confusingly similar. In addition, for the Complainant, the inclusion of the descriptive word "job" increases confusing similarity as it refers to the Complainant's business and the services associated with the LINKEDIN Trademark. Finally, the Complainant argues that the inclusion of a hyphen in the disputed domain name is irrelevant, since the presence or absence of punctuation marks such as hyphens cannot on their own avoid a finding of confusing similarity.

The Complainant argues that the Respondent has no rights or legitimate interests in 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 Complainant also asserts that by using the disputed domain name in connection with a website that purportedly offers job listings – which is in direct competition with the Complainant - the Respondent has failed to create a *bona fide* offering of goods or services. Therefore, the Respondent cannot demonstrate rights or legitimate interests. Finally, 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. Therefore, the Respondent cannot establish rights or legitimate interests in the disputed domain name.

Finally, the Complainant states that the disputed domain name should be considered as having been registered and used in bad faith by the Respondent. Indeed, the LINKEDIN Trademark is clearly famous and/or widely known and the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

In addition, for the Complainant, given the global reach and popularity of the Complainant's services under the LINKEDIN Trademark, it is inconceivable that the Respondent chose the disputed domain name without knowledge of the Complainant's activities and the name and trademark under which the Complainant is doing business.

Finally, by using the disputed domain name in connection with a website that purportedly offers job listings, which is in direct competition with the Complainant, the Respondent is clearly "creating a likelihood of confusion" with the LINKEDIN Trademark, which constitutes use in bad faith.

Considering all the above, the Complainant requests from the Panel to order that the disputed domain name be transferred to the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1 Language of proceedings**

The language of the registration agreement for the disputed domain name is French.

Paragraph 11(a) of the Rules provide: "Unless otherwise agreed by the Parties or specified otherwise in the Registration Agreement, the language of the proceeding shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceedings."

The Complainant submitted a request that the language of the proceeding should be English, rather than French.

The Complainant argued that:

- The disputed domain name consists solely of words in the English language: "linked" and "in" and "job."
- The Respondent uses English on the home page of the website associated with the disputed domain name,
- The translation of the Complaint into French would cause undue delays to the Complainant with respect to a decision in this case.

On June 15, 2023, the Center notified the Respondent in English and in French of the Complainant's request that the language of the proceedings be English, inviting the Respondent to reply in either French or English to this request by June 20, 2023, and warning that should the Respondent fail to respond by that date, the Center would assume that the Respondent had no objection to proceeding in English and that the Center would conduct the proceeding in English and French, subject to the Panel's ultimate determination. The Respondent failed to respond or to object to the conduct of the proceedings in English.

Given that a request has been made that the proceeding be conducted in the English language, that the Complainant's request and the request for response thereto and the Notification of Complaint were served on the Respondent by the Center in both French and English, that the Respondent has failed to respond to any of the Center's communications or to the Complaint, the Panel considers that the proceeding of this matter should be conducted in English in order to avoid delays in the processing of the case and additional costs to the Complainant.

## **6.2 Discussion and findings**

In the absence of any response, the discussion and findings will be based upon the contentions in the Complaint and any reasonable position that can be attributable to the Respondent.

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the disputed domain name, the Complainant must prove each of the following, 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 was registered and is being used in bad faith.

The Panel will further analyze the potential concurrence of the above circumstances.

### **A. Identical or Confusingly Similar**

The Complainant owns trademark registrations for the LINKEDIN Trademark. The Panel is satisfied that the Complainant has established its ownership of the trademark LINKEDIN.

The disputed domain name wholly incorporates the Complainant's LINKEDIN Trademark, which, as long established by previous UDRP panels, may be sufficient to determine that a disputed domain name is identical or confusingly similar to the Complainant's trademarks. (See section 1.7 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

In addition, the disputed domain name only differs from the Complainant's LINKEDIN Trademark through the addition of a hyphen and of the word "job".

Finally, the applicable gTLD ".com" in the disputed domain name is considered a standard technical registration requirement and, as such, is generally disregarded under the first element confusing similarity test (see section 1.11.1, [WIPO Overview 3.0](#)).

Thus, the Panel finds that the disputed domain name is confusingly similar to the Complainant's LINKEDIN Trademark.

The Panel finds that the requirement of paragraph 4(a)(i) of the Policy is met.

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

The burden of proof is on the Complainant to demonstrate a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name. Once the Complainant has made out a *prima facie* case, the burden of production then shifts to the Respondent, which has to then demonstrate rights or legitimate interests in the disputed domain name.

On the basis of the submitted evidence, the Panel considers that the Complainant has successfully established a *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain name: The Respondent is not commonly known under the disputed domain name, nor owns any registered rights on the disputed domain name or has been authorized by the Complainant to use the prior trademarks in any way.

The Panel does not find any indications that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name or has rights or legitimate interests in any other way in the disputed domain name. On the contrary, the disputed domain name previously directed to a website that pretended to offer job listings, which is in direct competition with the Complainant's activity, which cannot amount to a legitimate noncommercial or fair use of the disputed domain name.

Therefore, the Panel finds that the Complainant has made a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name.

Given these circumstances the Panel finds that the second element of the Policy has been satisfied.

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

In regard to the registration of the disputed domain name, which encompasses the Complainant's LINKEDIN Trademark with the addition of the word "job", the Panel considers it unlikely that, at the time of the registration of the disputed domain name, the Respondent did not know about the LINKEDIN Trademark.

Indeed, given the fact that the Complainant's trademarks are well known in the professional social network services, the Respondent cannot credibly claim to have been unaware of the existence of the previous trademarks (see section 3.2.2 of the [WIPO Overview 3.0](#)) and previous UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith (see section 3.1.4 of the [WIPO Overview 3.0](#)).

As for the use of the disputed domain name in bad faith, given the circumstances described in the Complaint, the documentary evidence provided by the Complainant, and the brief verification carried out by the Panel of the website associated with the disputed domain name, the Panel is satisfied that the disputed domain name is used in bad faith.

Indeed, the Complainant provided evidence that the website to which the disputed domain name used to resolve clearly tried to create a likelihood of confusion with the LINKEDIN Trademark.

Taking into account all of the above, it is not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate.

Therefore, the Panel finds that the requirement of registration and use in bad faith is satisfied, according to the Policy, paragraph 4(a)(iii).

## 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-job.com> be transferred to the Complainant.

*/Elise Dufour/*

**Elise Dufour**

Sole Panelist

Date: August 2, 2023