

ADMINISTRATIVE PANEL DECISION

LinkedIn Corporation v. Christopher Conlan, Kaboodle Ventures LLC
Case No. D2023-4428

1. The Parties

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

Respondent is Christopher Conlan, Kaboodle Ventures LLC, U.S.

2. The Domain Name and Registrar

The Disputed Domain Name <thelinkedin.pro> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 25, 2023. On October 26, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On October 26, 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 (REDACTED FOR PRIVACY / PrivacyGuardian.org llc) and contact information in the Complaint. The Center sent an email communication to Complainant on November 1, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on November 2, 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 Respondent of the Complaint, and the proceedings commenced on November 8, 2023. In accordance with the Rules, paragraph 5, the due date for Response was November 28, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on December 1, 2023.

The Center appointed Michael A. Albert as the sole panelist in this matter on December 12, 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

Founded in 2003, Complainant connects the world's professionals to make them more productive and successful. With more than 900 million members in more than 200 countries and regions, including executives from every Fortune 500 company, Complainant is the world's largest professional network on the Internet.

Complainant became a public company on May 18, 2011, and traded on the New York Stock Exchange under the symbol "LNKD" until Complainant was acquired by Microsoft Corp. ("Microsoft"). When Microsoft announced its intention, on June 13, 2016, to acquire Complainant, the all-cash transaction was valued at USD 26.2 billion.

Complainant has more than 19,000 full-time employees with 36 offices in cities around the world and operates websites in 26 languages. Complainant's global headquarters are in Sunnyvale, California, with numerous additional offices in the U.S. and around the world.

Complainant's registrations for the LINKEDIN trademark include the following (among many others):

- U.S. Reg. No. 3,074,241 for LINKEDIN for use in connection with, *inter alia*, "online business networking services" (registered March 28, 2006)
- U.S. Reg. No. 4,007,079 for LINKEDIN for use in connection with, *inter alia*, "social introduction and social networking services" (registered August 2, 2011)
- European Union Reg. No. 4,183,893 for LINKEDIN for use in connection with, *inter alia*, "online business and professional networking services" (registered July 24, 2006)
- International Reg. No. 1,368,414 for LINKEDIN for use in connection with, *inter alia*, "educational services" (registered April 27, 2017)

Respondent registered the Disputed Domain Name on July 27, 2023. Respondent is using the Disputed Domain Name in connection with a website that uses Complainant's trademark and a color scheme similar to that used by Complainant to promote, among other things, "a New Platter of LinkedIn Goodies" and "Professional Services for your LinkedIn nourishment."

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

Complainant is the owner of at least 235 trademark registrations in at least 62 jurisdictions worldwide that consist of or include the mark LINKEDIN. The Disputed Domain Name fully incorporates the well-known LINKEDIN trademark and is therefore confusingly similar to Complainant's mark.

Complainant contends that Respondent has no rights or legitimate interests in the Disputed Domain Name. Complainant confirms it has never assigned, granted, licensed, sold, transferred or in any way authorized Respondent to register or use the LINKEDIN Trademark in any manner.

The Disputed Domain Name was registered in bad faith. As shown from the content on Respondent's website (Annex 8), it is obvious that Respondent has created a likelihood of confusion with Complainant, establishing bad faith. Respondent's website falsely holds itself out through its confusingly similar appearance to be a website for, or associated with, Complainant by using the LINKEDIN trademark and a color scheme similar to that used by Complainant to promote, among other things, "a New Platter of LinkedIn Goodies" and "Professional Services for your LinkedIn nourishment."

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant has established rights to the LINKEDIN mark, as demonstrated by its registrations and widespread continued use. The Disputed Domain Name is confusingly similar to Complainant's well-known mark because it contains the entirety of Complainant's marks with the addition of "the" and a generic Top-Level Domain ("gTLD"). Numerous UDRP panels deciding cases under the Policy have held that the incorporation of a complainant's mark in full in a disputed domain name is a compelling factor in favor of a finding of confusing similarity, and that the addition of other generic terms does not mitigate such confusion. See *National Association for Stock Car Auto Racing, Inc. v. Racing Connection / The Racin' Connection, Inc.*, WIPO Case No. [D2007-1524](#).

Based on the available record, the Panel finds Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the mark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, 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 (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Respondent did not respond to the Complaint and has thus failed to rebut Complainant's *prima facie* case.

Complainant has shown that Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name without intent for commercial gain. Rather, Respondent is using the Disputed Domain Name in connection with a website that is likely to confuse users into believing it is owned, operated, or sponsored by, or otherwise associated with, Complainant, by using the LINKEDIN trademark and a color scheme similar to that used by Complainant to promote, among other things, “a New Platter of LinkedIn Goodies” and “Professional Services for your LinkedIn nourishment.” A domain name registrant lacks rights or legitimate interests where its website “effectively impersonates or suggests sponsorship or endorsement by the trademark owner” (See section 2.5.1 of the [WIPO Overview 3.0](#)).

Further, by using the Disputed Domain Name to sell its services based on a “Prix Fixe Menu,” Respondent is not using the Disputed Domain Name in a noncommercial manner without intent for commercial gain and, therefore, cannot establish rights or legitimate interests under the Policy.

Having reviewed the available record, the Panel finds Complainant has established a *prima facie* case that Respondent lacks rights or legitimate interests in the Disputed Domain Name. Respondent has not rebutted Complainant’s *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Disputed Domain Name such as those enumerated in the Policy or otherwise.

Based on the available record, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that Respondent clearly had Complainant in mind when registering the Disputed Domain Name. Complainant’s trademark registrations predate the registration of the Disputed Domain Name by 17 years. Complainant owns 235 trademark registrations in at least 62 jurisdictions worldwide. Given the long use and fame of Complainant’s marks, it is implausible to believe that Respondent did not know of Complainant’s marks at the time Respondent registered and used the Disputed Domain Name. Such knowledge is sufficient to establish that the Disputed Domain Name was appropriated by Respondent in bad faith.

As noted the previous section, Respondent’s website creates consumer confusion as it appears to be a website for, or associated with, Complainant. Such evidence, and the incorporation of Complainant’s LINKEDIN trademark in its entirety in the Disputed Domain Name, demonstrates that Respondent targeted Complainant and is, therefore, evidence of use in bad faith.

Based on the available record, the Panel finds that Complainant has established the third element 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 <thelinkedin.pro> be transferred to Complainant.

/Michael A. Albert/

Michael A. Albert

Sole Panelist

Date: December 26, 2023