

ADMINISTRATIVE PANEL DECISION

LinkedIn Corporation v. Cecilia Crawford

Case No. D2024-0553

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 Cecilia Crawford, United States.

2. The Domain Name and Registrar

The disputed domain name <linkedin-corp.com> is registered with Wild West Domains, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 7, 2024. On February 7, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 7, 2024, 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 February 9, 2024, 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 February 9, 2024.

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 February 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 7, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 8, 2024.

The Center appointed Andrew J. Park as the sole panelist in this matter on March 18, 2024. 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, LinkedIn Corporation, is one of the world’s largest Internet-based professional networks. It has 19,400 full-time employees working in 36 offices across more than 200 countries and regions. The Complainant was founded in 2003, became a public company on May 18, 2011, and traded on the New York Stock Exchange until it was acquired by Microsoft Corp. in 2016.

The Complainant is the registrant of numerous domain names, including <linkedin.com>, which it registered on November 2, 2002 and uses in connection with its primary website. The 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 Complainant has obtained the following trademark registrations for LINKEDIN:

Jurisdiction	Trademark	Registration No.	Registration Date
United States	LINKEDIN	3074241	March 28, 2006
United States	LINKEDIN	4007079	August 2, 2011
International	LINKEDIN	1368414	April 27, 2017

The disputed domain name was registered on December 12, 2023, and does not resolve to any active website.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name because:

(1) the disputed domain name is identical or confusingly similar to the Complainant’s trademark LINKEDIN in which the Complainant has rights.

- The Complainant’s rights in the LINKEDIN mark are clearly established through registration and use, both in the United States and in numerous other countries around the world.
- The disputed domain name consists of the Complainant’s distinctive trademark, LINKEDIN in its entirety, with the addition of the term “corp” and a hyphen which does nothing to alleviate confusing similarity for purposes of the Policy. The disputed domain name was designed to be almost identical to the Complainant’s LINKEDIN mark and the mere addition of a non-distinctive word and a hyphen does not prevent the finding of similarity between the disputed domain name and the Complainant’s trademark.
- The addition of the generic Top-Level Domain (“gTLD”) “.com” should not be taken into account to assess and therefore, it does not change the result that the Complainant’s trademark is clearly recognizable in the disputed domain name which should be considered as confusingly similar to the Complainant’s trademark.

(2) 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 Respondent clearly has not used the dispute domain name in connection with a bona fide offering of goods or services nor has the Respondent made a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.
- Rather, the evidence reflects only the Respondent's intentional use of the disputed domain name in an attempt to profit from and exploit the Complainant's LINKEDIN mark through fraud. According to VirusTotal, a service that analyzes files and URLs for viruses, worms, trojans, and other kinds of malicious content, security vendors had identified this disputed domain name as suspicious for being associated with phishing activity, malware, or spam.
- 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. Given the Complainant's 235 registrations of the LINKEDIN trademark in at least 62 jurisdictions worldwide, it is practically impossible that the Respondent is commonly known by the disputed domain name which included the Complainant's trademark LINKEDIN in its entirety.

These factors collectively serve as evidence that the Respondent has no right or legitimate interests in the disputed domain name.

(3) the disputed domain name was registered and is being used in bad faith.

- The Complainant asserts that the Respondent registered the disputed domain name with full knowledge of the Complainant's trademarks and business activities, given that (i) the disputed domain name is confusingly similar to the Complainant's widely-known trademark, LINKEDIN; (ii) the Complainant's services have global reach and popularity under the LINKEDIN trademark; and (iii) the Complainant's first registration for the LINKEDIN trademark pre-dates the Respondent's registration of the disputed domain name and the registration of the disputed domain name is simply to disrupt the Complainant's relationship with its customers or potential customers and to attempt to attract Internet users for potential gain.
- The Complainant alleges that several vendors have reported that the Respondent has used the disputed domain name in connection with phishing activity, malware, or spam according to a report from VirusTotal. Moreover, Respondent has also established mail exchange ("MX") records for the disputed domain name which enables it to use the disputed domain name to send and receive emails, which is another indication of the Respondent's bad faith use of the disputed domain name because it gives rise to the strong possibility that the Respondent intended to use the disputed domain name to send emails as part of a fraudulent scheme.
- Furthermore, the Complainant claims that the Respondent's bad faith use of the disputed domain name can also be found under the passive holding doctrine considering all the factors set forth in WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 3.3.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

This element consists of two parts: first, whether the Complainant has rights in a relevant trademark and, second, whether the disputed domain name is identical or confusingly similar to that trademark.

The Panel finds that the Complainant has established registered rights in the trademark LINKEDIN and that the disputed domain name is confusingly similar to the Complainant's trademark. The Complainant's trademark LINKEDIN is entirely reproduced in the disputed domain name.

The addition of the term "corp", which is an abbreviation of the word, "corporation", and a hyphen, does not prevent a finding of confusing similarity to the Complainant's trademark. [WIPO Overview 3.0](#), section 1.8. Similarly, the addition of the gTLD ".com" is a standard registration requirement and as such it may be disregarded when assessing confusing similarity under the first element of the Policy. [WIPO Overview 3.0](#), section 1.11.1.

For these reasons, pursuant to the Policy, paragraph 4(a)(i), the Panel finds that the Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests

Pursuant to paragraph 4(a)(ii) of the Policy, the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Once such a prima facie case is made, the burden of production on this element shifts to the Respondent to come forward with relevant evidence demonstrating its rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy. [WIPO Overview 3.0](#), section 2.1.

Pursuant to paragraph 4(c) of the Policy, the Respondent may establish its rights or legitimate interests in the disputed domain name, among other circumstances, by showing any of the following elements:

(i) before any notice to the Respondent of the dispute, the Respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or

(ii) the Respondent (as an individual, business, or other organization) has been commonly known by the disputed domain name, even if it has acquired no trademark or service mark rights; or

(iii) the Respondent is making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Here, the Panel finds that the Complainant has made out a prima facie case.

The Complainant has asserted that the Respondent has no relationship with or authorization from the Complainant to use its trademarks. There is nothing in the record to suggest that the Respondent has made a legitimate noncommercial or fair use of the disputed domain name or has been commonly known by the disputed domain name. Although the disputed domain name does not resolve to any active website, the Complainant has provided evidence showing that security vendors have reported that the disputed domain name has been used in connection with phishing activity, malware, or spam. Panels have held that the use of a domain name for illegal activity here, claimed phishing, distributing malware, or other types of fraud can never confer rights or legitimate interests on the Respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel concludes that these facts may be taken as true in the circumstances of this case and in view of the use of the disputed domain name. Further, the Panel is unable to find any reasonable basis upon which the Respondent could be said to have any rights or legitimate interests in respect of the disputed domain name, and the Respondent has not filed any Response.

Moreover, the composition of the disputed domain name is inherently misleading and carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

Accordingly, the Panel holds that the Respondent has no rights or legitimate interests in the disputed domain name pursuant to paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides a non-exclusive list of circumstances that evidence registration and use of a domain name in bad faith. Any one of the following is sufficient to support a finding of bad faith:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark, or to a competitor of that the complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The Complainant claims that the Respondent registered and is using the disputed domain name in bad faith in accordance with the Policy, paragraph 4(a)(iii). Specifically, the Complainant argues that the Respondent, by registering the disputed domain name, disrupts the Complainant's business because security vendors have reported that the disputed domain name has been used in connection with phishing activity, malware, or spam. The disputed domain name may be used for sending fraudulent emails as the Respondent has established MX records for the disputed domain name. The non-use of the disputed domain name does not prevent a finding of bad faith under the doctrine of "passive holding".

As stated previously, the Respondent did not file any response to the Complaint, failing thereby to rebut the Complainant's allegations of the Respondent's bad faith registration and use of the disputed domain name.

Nevertheless, the Panel still has the responsibility of determining whether or not the Complainant's has successfully established that the Respondent registered and is using the disputed domain name in bad faith.

First, the Panel finds the Respondent intentionally registered the disputed domain name in bad faith.

The Respondent registered the disputed domain name, which is confusingly similar to the Complainant's trademark, LINKEDIN, while being aware of the Complainant's business and its trademark.

The Complainant holds numerous registrations of the trademark LINKEDIN in various jurisdictions worldwide including in the United States where the Complainant is from and where the Respondent is located.

The Respondent registered the disputed domain name in 2023, which is almost two decades after the Complainant's earliest registrations of the trademark LINKEDIN. In addition, the second level of the disputed

domain name closely represents the Complainant's company name. Based on the facts-of-record, the Respondent must have targeted the Complainant's distinctive and well-known trademark in an effort to show a business relationship between the Respondent and the Complainant or to otherwise benefit from the likelihood of confusion with the Complainant's trademark.

Second, the Panel conclusively finds that the Respondent has been using the disputed domain name in bad faith. Although the disputed domain name does not resolve to any active website, the Panel considers the following factors which include: (i) the distinctiveness and reputation of the Complainant's trademark; and (ii) the failure of the Respondent to submit a response or any indication of genuine or contemplated good-faith use of the disputed domain name, and determines that bad faith exists under the passive holding doctrine.

Third, the Complainant has alleged that security vendors have reported that the disputed domain name has been engaged in phishing activities, malware, or scam. The Respondent has also established MX records enabling email correspondence via the disputed domain name. This conduct strongly suggests the Respondent's intention to perpetrate fraudulent schemes. The Panel affirms that the Respondent's use of the disputed domain name for illegal activity, here claimed phishing, distributing malware, or other types of fraud constitutes bad faith (see [WIPO Overview 3.0](#), section 3.4).

Finally, the Respondent used a privacy or proxy service in an effort to hide its identity or at least to delay the disclosure of the actual underlying registrant. This is further indicia of the Respondent's bad faith. The Respondent's concealment of the disputed domain name holder's identity through the use of a privacy shield constitutes a further indication of bad faith (*Fifth Third Bancorp v. Secure Whois Information Service*, WIPO Case No. [D2006-0696](#)).

Considering the above, the Panel concludes that the Respondent registered and is using the disputed domain name in bad faith pursuant 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-corp.com> be transferred to the Complainant.

/Andrew J. Park/

Andrew J. Park

Sole Panelist

Date: April 3, 2024