

## **ADMINISTRATIVE PANEL DECISION**

### **LinkedIn Corporation v. Mohammad Amir Hossain Dewan, Magic-Payment Case No. D2024-0780**

#### **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 Mohammad Amir Hossain Dewan, Magic-Payment, Bangladesh.

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

The disputed domain name <agedlinkedin.com> (the “Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 20, 2024. On February 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 20, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 21, 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 21, 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 22, 2024. In accordance with the Rules, paragraph 5, the due date for Response was March 13, 2024. The Respondent sent an informal email communication to the Center on February 23, 2024, and the Center responded by acknowledging receipt of this informal communication on February 26, 2024.

The Center appointed Ian Lowe 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 is the largest professional network on the Internet, founded in 2003. It has more than one billion members in over 200 countries and regions, including executives from every Fortune 500 company. The Complainant has 19,400 full-time employees with 36 offices in cities around the world and operates in 26 languages.

The Complainant is the proprietor of over 235 trademark registrations, in at least 62 jurisdictions, comprising the mark LINKEDIN, including United States trademark number 3,074,241 LINKEDIN registered on March 28, 2006; European Union trademark number 4,183,893 LINKEDIN registered on July 24, 2006; and, International trademark number 1,368,414 LINKEDIN registered on April 27, 2017.

The Complainant is also the proprietor of numerous registered trademarks around the world in respect of the following “in” device mark (the “IN Logo”):



Including: United States trademark number 3,704,030 registered on November 3, 2009; European Union trademark number 1,356,097 registered on April 27, 2017; and, International trademark number 1,058,795 registered on December 21, 2009.

The Complainant is also the registered proprietor of trademarks in respect of its “IN Circle Logo”:



The Complainant’s primary website is at “www.linkedin.com”, the domain name for which it registered on November 2, 2002.

The Domain Name was registered on September 17, 2022. It does not presently resolve to an active web page, but at the time of filing of the Complaint it resolved to a website (the “Respondent’s Website”) offering aged/older LinkedIn accounts for sale in violation of the Complainant’s User Agreement. The Respondent’s Website used the IN Logo as the favicon on the tab of the browser bar and prominently featured the IN Circle Logo.

#### **5. Parties’ Contentions**

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

The Complainant contends that the Domain Name is confusingly similar to its LINKEDIN trademark (the “Mark”), that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith within the meaning of the Policy.

## **B. Respondent**

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

## **6. Discussion and Findings**

For this Complaint to succeed in relation to the Domain Name, the Complainant must prove that:

- (i) the 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 Domain Name; and,
- (iii) the Domain Name has been registered and is being used in bad faith.

### **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 the 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.

The Complainant has uncontested rights in the Mark, both by virtue of its many trademark registrations and as a result of the goodwill and reputation acquired through its use of the Mark over many years. Ignoring the generic Top-Level Domain ("gTLD") ".com", the Domain Name comprises the entirety of the Mark with the addition of the word "aged". In the Panel's view, the addition of this term does not prevent a finding of confusing similarity between the Domain Name and the Mark.

Accordingly, the Domain Name is confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 that 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. Accordingly, 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.

The Complainant has made out a prima facie case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Respondent is not authorized by the Complainant to use the Mark in the Domain Name, and there is no evidence that the Respondent is commonly known by the Domain Name. The Respondent's Website offered for sale older or aged LinkedIn accounts. In the Panel's view, such activity is tantamount to being fraudulent and does not amount to a bona fide offering of goods or services.

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

In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name and finds the second element of the Policy has been established.

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

The Panel notes that, for the 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 light of the use of the Complainant's Mark in the Domain Name, and the nature of the Respondent's Website, there can be no doubt that the Respondent had the Complainant and its rights in the LINKEDIN mark in mind when it registered the Domain Name. The Panel considers that the Respondent has registered and used the Domain Name to deceive Internet users into believing that it is operated or authorized by the Complainant, and to attract Internet users by creating a likelihood of confusion with the Mark for commercial gain. Furthermore, the Respondent has used the Domain Name in a manner that so clearly targets the Complainant's registered trademarks that it amounts to opportunistic bad faith.

Having reviewed the evidence, the Panel finds that the Respondent's registration and use of the Domain Name constitutes bad faith, and that the 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 Domain Name <agedlinkedin.com> be transferred to the Complainant.

*/Ian Lowe/*

**Ian Lowe**

Sole Panelist

Date: April 1, 2024