

## **ADMINISTRATIVE PANEL DECISION**

LinkedIn Corporation v. Ladwa Safety, Ladwa Safety  
Case No. D2024-1156

### **1. The Parties**

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

The Respondent is Ladwa Safety, India.

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

The disputed domain name <managemylinkedin.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 March 16, 2024. On March 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 18, 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 March 19, 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 March 19, 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 March 25, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 14, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 15, 2024.

The Center appointed Daniel Peña as the sole panelist in this matter on April 26, 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 one of the world's largest professional networks on the Internet. The Complainant is the owner of 318 trademark registrations in 71 jurisdictions worldwide that consist of or include the trademark LINKEDIN, among others:

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

The disputed domain name was registered on February 7, 2017 and is used in connection with a website that falsely appears to be a website for, or associated with, the Complainant, using the Complainant's Logo and describing itself as a "Certified" company to "Build Your Personal Brand on LinkedIn".

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

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

The Complainant, founded in 2003, connects the world's professionals to make them more productive and successful. With more than 1 billion 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.

The disputed domain name is identical or confusingly similar to the LINKEDIN trademark. The disputed domain name contains the LINKEDIN trademark in its entirety, plus the words "manage" and "my".

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 is using the disputed domain name in connection with a website that falsely appears to be a website for, or associated with, the Complainant.

By using the Complainant's LINKEDIN trademark on a website offering for sale services related to Complainant's services, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to a website, by creating a likelihood of confusion with the LINKEDIN trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or of a product or service on the Respondent's website.

The disputed domain name should be considered as having been registered and used in bad faith by the Respondent.

## **B. Respondent**

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

## **6. Discussion and Findings**

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; (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. Considering these requirements, the Panel rules as follows:

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

Paragraph 4(a)(i) of the Policy requires the Complainant to show that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The Complainant has provided evidence of its rights in the trademarks LINKEDIN on the basis of its multiple trademark registrations including its international trademark registration and those in the U.S. of America and the European Union.

A trademark registration provides a clear indication that the rights in the trademark belong to the Complainant (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.2.1). It has also been established by prior UDRP panels that incorporating a trademark in its entirety into a domain name can be sufficient to establish that the domain name is confusingly similar to a trademark. Such findings were confirmed, for example, within section 1.7 of the [WIPO Overview 3.0](#). The Respondent's incorporation of the Complainant's LINKEDIN trademark in full in the disputed domain name is evidence that the disputed domain name is confusingly similar to the Complainant's mark.

Mere addition of the terms "manage" and "my" does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's mark LINKEDIN because the Complainant's LINKEDIN mark remains clearly recognizable in the disputed domain name. As noted in [WIPO Overview 3.0](#), section 1.8: "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity under the first element."

Furthermore, the addition of the generic Top-Level Domain ("gTLD") ".com" is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the trademark in which the Complainant has rights, meaning that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

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

In accordance with paragraph 4(a)(ii) of the Policy, the Complainant must prove that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel observes that there is no relationship, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Panel also finds that there is no indication that the Respondent is commonly known by the disputed domain name because the Respondent's name is "Ladwa Safety" which has no apparent connection with the LINKEDIN trademark.

The Complainant claims that the Respondent has no connection or affiliation with the Complainant and has not received any license or consent, express or implied, to use the Complainant's trademarks in a domain name or in any other manner. Furthermore, the disputed domain name directs to a commercial website that allegedly offers the Complainant's services, without any disclaimer as to the relation with or authorization of the Complainant, exacerbating the user confusion as to the website's affiliation to the Complainant. Such use for deliberately attracting Internet users to its website in the mistaken belief that it is a website of the Complainant, or otherwise linked to or authorized by the Complainant supports a finding that the Respondent lacks rights to or legitimate interests in the disputed domain name.

The Respondent did not submit a Response or attempt to demonstrate any rights or legitimate interests in the disputed domain name, and the Panel draws adverse inferences from this failure, where appropriate, in accordance with the Rules, paragraph 14(b). The Panel finds the Respondent has no rights or legitimate interests in respect of the disputed domain name and that paragraph 4(a)(ii) of the Policy is satisfied.

The Panel concludes that the Respondent deliberately chose to include the Complainant's LINKEDIN trademarks and logos in the disputed domain name, in order to achieve commercial gain by misleading third parties, and that such use cannot be considered as a legitimate noncommercial or fair use.

The Panel finds that the composition of the disputed domain name, including the terms "manage" and "my", carries a risk of implied affiliation with the Complainant. Further, the Respondent is using the disputed domain name to purportedly offer online services that helps users who have a LINKEDIN account to manage their accounts and increase their presence, image and recognition in that professional network. Noting the lack of any disclaimer, the disputed domain name's content exacerbates the confusion caused by the incorporation of the Complainant's trademark in the construction of the disputed domain name and further suggests sponsorship or endorsement by the Complainant. See sections 2.5.1 and 2.8 of the [WIPO Overview 3.0](#).

Given the above, the Panel finds that the Complainant has satisfied the requirement under paragraph 4(a)(ii) of the Policy.

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

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered evidence of the registration and use of a disputed domain name in bad faith: (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting or otherwise transferring the domain name registration to the complainant (the owner of the trademark or service mark) or to a competitor of that complainant, for valuable consideration in excess of documented out-of-pocket costs directly related to the domain name; (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; (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 its website or location.

In the Panel's view, a finding of bad faith may be made where the Respondent "knew or should have known" of the registration and/or use of the trademark prior to registering the disputed domain name. In this case, the Complainant submits that at the date of registration of the disputed domain name, the Respondent knew or should have known of the Complainant's mark LINKEDIN considering the global renown of the Complainant's prior mark and the website content targeting the Complainant's logos and services.

The Panel takes note of the construction of the disputed domain name, which combines the LINKEDIN mark with the terms "manage" and "my" that is descriptive of the Complainant's services related to a social network with a worldwide renown for the creation and management of online professional accounts and

profiles, as well as the fact that the disputed domain name directs to a website that contains the Complainant's logo and allegedly offers the Complainant's services.

The Panel is satisfied that by directing the disputed domain name to a commercial website allegedly offering the Complainant's services, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark LINKEDIN as to the source, sponsorship, affiliation, or endorsement of its website or of the products on its website (see section 3.1.3 of the [WIPO Overview 3.0](#)). Under paragraph 4(b)(iv) of the Policy, this circumstance shall be evidence of the registration and use of a domain name in bad faith.

Having considered the Complainant's submissions and in the absence of a Response, the Panel accepts the Complainant's submission that on the evidence there is no plausible circumstance under which the Respondent could legitimately register or use the inherently misleading disputed domain name.

Consequently, the Panel finds that the disputed domain name was registered and used by the Respondent in bad faith within 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 <managemylinkedin.com> be transferred to the Complainant

*/Daniel Peña/*

**Daniel Peña**

Sole Panelist

Date: May 8, 2024