

ADMINISTRATIVE PANEL DECISION

Salesforce, Inc. v. Bob Muller, Bobbys house
Case No. D2024-1600

1. The Parties

Complainant is Salesforce, Inc., United States of America (“United States”), represented by Winterfeldt IP Group PLLC, United States.

Respondent is Bob Muller, Bobbys house, United States.

2. The Domain Name and Registrar

The disputed domain name is <accountsreceivable-salesforce.com> and is registered with Hostinger, UAB (“Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (“Center”) on April 11, 2024, identifying a total of seven domain names. On April 17, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 18, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant (i.e., Bob Muller, Bobbys house) and contact information for the disputed domain name that differed from Respondent as named in the Complaint (the Complaint identified Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information provided along with supplying other details related to the registration, including the fact that the expiration date for the disputed domain name was April 11, 2024, and noting that renewal was required in order for this proceeding to move forward. The Center sent an email communication to Complainant on May 7, 2024, providing the newly-disclosed information concerning each of the seven domain names and inviting Complainant to submit an amendment to the Complaint.

Complainant filed an amended Complaint on May 12, 2024, limited to the disputed domain name¹ identified above and requesting that its complaint as to the other six domain names be withdrawn. On May 15, 2024, the Center transmitted by email its acceptance of the request to withdraw without prejudice. Accordingly, the Panel finds that Bob Muller, Bobbys house is the appropriate Respondent.

¹ On May 7, 2024, the Center communicated with the Registrar regarding expiration of the disputed domain name and on May 10, 2024, advised the parties that the Registrar required renewal in order for this proceeding to continue. According to current Whois information, the domain name was renewed.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (“Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (“Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (“Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on May 15, 2024. In accordance with the Rules, paragraph 5, the due date for Response was June 4, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on June 7, 2024.

The Center appointed Debra J. Stanek as the sole panelist in this matter on June 14, 2024. The Panel finds that it was properly constituted and 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

Complainant provides a well-known customer relationship management (“CRM”) platform, as well as other cloud-based software as a service offerings, to customers throughout the world. It owns, and has provided evidence to support, a number of registrations for the marks SALESFORCE and SALESFORCE.COM in the United States and elsewhere, including two United States registrations: Registration No. 2,964,712 for SALESFORCE, registered on July 5, 2005, for services that include its CRM and SaaS services, and Registration No. 2,684,824 for SALESFORCE.COM, registered on February 4, 2003, for social networking services.

The <accountsreceivable-salesforce.com> domain name was created April 11, 2023. As of this decision, it does not resolve to an active website.

According to the Complaint, Respondent has used the disputed domain name to create an email address that was used to send messages purporting to be from a representative of Complainant’s “Accounts Receivable/Collections” department, requesting payment of an invoice.

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.

In particular, Complainant has provided a copy of a message apparently forwarded to it by a third party stating that an invoice is attached and requesting payment. The third party identifies that forwarded the message as a “scam,” indicating that the third party is not aware of any account with Complainant. The forwarded message uses an email address that includes the disputed domain name. It also includes a signature block with the name of a person, the designation “Accounts Receivable/Collections,” and Complainant’s name, street address, and telephone and fax numbers. The message states that an invoice is attached and requests payment.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

To prevail under the Policy a complainant must prove, as to the domain name at issue, that: (a) it is identical or confusingly similar to a mark in which the complainant has rights, (b) respondent has no rights or legitimate interests in respect to it, and (c) it has been registered and is being used in bad faith. Policy, paragraph 4(a). A respondent's failure to respond does not automatically result in a finding for the complainant; the complainant continues to have the burden of establishing each element. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3. The Panel may, however, draw appropriate inferences from the default. See Rules, paragraph 14(b).

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 3.0](#), section 1.7.

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. Further, the entirety of the mark is reproduced within the disputed domain name. Accordingly, the Panel finds that the disputed 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 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 a 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 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.

Having reviewed the record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Complainant provided credible evidence that Respondent used the disputed domain name to misrepresent itself as a representative of Complainant to obtain payment. The use of a domain name for such activity does not confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy sets out a list of circumstances that may indicate that a domain name was registered and used in bad faith; however, other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith.

Other panels have concluded that the use of a domain name for deceptive or illegal activity constitutes bad faith. See [WIPO Overview 3.0](#), section 3.4. In the present case, having reviewed the record, the Panel finds that use of the disputed domain name to impersonate a representative of Complainant constitutes registration and use in bad faith under the Policy.

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, <accountsreceivable-salesforce.com> be transferred to Complainant.

/Debra J. Stanek/

Debra J. Stanek

Sole Panelist

Date: June 28, 2024