

ADMINISTRATIVE PANEL DECISION

Salesforce, Inc. v. 海白
Case No. D2024-2781

1. The Parties

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

The Respondent is 海白, China.

2. The Domain Name and Registrar

The disputed domain name <salesforc.net> is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 8, 2024. On July 10, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 11, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 July 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 6, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 7, 2024.

The Center appointed William A. Van Caenegem as the sole panelist in this matter on August 15, 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 a company based in the United States operating a customer relationship management platform and supplying cloud-based software solutions to more than 150,000 companies worldwide.

The Complainant is the registered owner of numerous trademark/service marks consisting of or including the terms SALESFORCE and SALESFORCE.COM. These include SALESFORCE, U.S. Reg. No. 2,964,712 in Classes 35 and 42, registered on July 5, 2005; SALESFORCE, U.S. Reg. No. 3,138,749 in Class 9, registered on September 5, 2006; SALESFORCE, International registration No. 0910077 in Classes 9, 35, and 42, registered on March 14, 2006; and SALESFORCE, Canadian Registration No. TMA714881 in Class 9, 35, and 42 registered on May 22, 2008.

The Complainant also owns and operates many domain names that contain the SALESFORCE trademark including <salesforce.com> which was registered on December 1, 1998.

The disputed domain name was registered on August 10, 2023 and is alleged to resolve to an imitation website used to impersonate the Complainant for the purpose of phishing. The Complainant's trademark is prominently displayed on the website, and the layout design and the overall impression of website is almost identical to the Complainant's 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.

The Complainant says that in fiscal year 2024, it had USD34.9 billion in revenue and over 72,500 employees. The Complainant points out that the SALESFORCE brand was ranked the 38th best global brand by Interbrand in 2023.

The Complainant asserts that the disputed domain name contains the SALESFORCE mark almost in its entirety and constitutes an obvious and confusingly similar typographical variation thereof. This is said to be sufficient to show that the disputed domain name is identical or confusingly similar to the SALESFORCE trademarks of the Complainant.

The Complainant points out that the disputed domain name was registered by the Respondent on August 10, 2023, well after the former first used the SALESFORCE trademarks. It says the Respondent is not associated, commercially related, or affiliated with the Complainant. The Respondent has never been authorized by the Complainant to use its SALESFORCE trademarks in any manner.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name given that it was registered well after the Complainant had registered and/or used its SALESFORCE trademarks and had established extensive goodwill in them.

The Complainant contends that the Respondent has used and is likely currently using the disputed domain name and the website to which it resolves to engage in a phishing scheme whereby the Respondent impersonates the Complainant and makes unauthorized use of the Complainant's SALESFORCE mark to send messages via the WhatsApp communication platform to solicit unsuspecting job seekers to submit personal information as part of their employment applications on the copycat website.

The Complainant further contends that the Respondent also used the disputed domain name to host content making unauthorized use of the Complainant's SALESFORCE marks, including its logo mark, and generally imitated the look and feel of the content hosted at the authorized SALESFORCE websites, further to deceive unsuspecting website visitors.

The Complainant contends that the Respondent's use of the disputed domain name does not constitute a bona fide sale of goods or services or commercial use, nor a legitimate noncommercial or fair use. Additionally, it asserts that the use of a domain name for illegal activity, including fraud or impersonation/passing off, can never confer rights or legitimate interests on a respondent.

The Complainant says that the Respondent has registered and used the disputed domain name in bad faith per paragraph 4(b)(iii) of the Policy. The Respondent used the SALESFORCE Marks and posed as the Complainant. The Complainant says that the Respondent no doubt knows the Complainant and its business, as shown by its use of the Complainant's intellectual property, and, as such, the burden shifts to the Respondent to come forward with arguments or evidence demonstrating that it does in fact have such rights or legitimate interests. The Complainant points out that the Respondent has not done so and contends that accordingly, the Panel is entitled to find, that the Respondent indeed lacks rights or legitimate interests.

The Complainant maintains that the Respondent has also registered and used the disputed domain name in bad faith according to paragraph 4(b)(iv) of the Policy. It says that the disputed domain name was used to defraud Internet users by hosting a website that made unauthorized use of the SALESFORCE trademarks and that imitated the look and feel of content hosted at SALESFORCE authorized websites.

The Complainant further contends that its rights in the SALESFORCE trademarks are so well established, and its SALESFORCE brand has achieved recognition and fame such that the Respondent has no genuine argument that he is unaware of this brand.

Finally, the Complainant contends that the Respondent was on notice concerning the Complainant's SALESFORCE trademarks prior to registering the disputed domain name, given the asserted well-known nature of its marks and given the Respondent's clear and obvious impersonation of the Complainant. According to the Complainant this further evidences the Respondent's bad faith intent in registering and using the disputed domain name.

B. Respondent

The Respondent did not reply to the 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 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 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 mark is recognizable 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 1.9.) The omission of the "e" from SALESFORCE in the disputed domain name is so minor as to have no bearing on the assessment of confusing similarity.

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.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not advanced any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Complainant has not authorized the Respondent’s use of its SALESFORCE trademarks and is not known by the term “salesorc” or the disputed domain name.

Further, Panels have held that the use of a domain name for illegal activity, here claimed to be phishing and impersonation of the Complainant by the unauthorized use of its intellectual property on an imitation website linked to the disputed domain name, can never confer rights or legitimate interests on a respondent ([WIPO Overview 3.0](#), section 2.13.1).

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

C. Registered and Used in Bad Faith

The disputed domain name was registered at a time when the Complainant had an extensive global reputation in its SALESFORCE trademarks. It differs only by the apparently deliberate omission of the “e” at the end of SALESFORCE. There is every indication that the disputed domain name was registered by the Respondent in the full knowledge of the Complainant’s rights in the SALESFORCE trademarks.

Panels have held that the use of a domain name for illegal and fraudulent activity, here claimed to be phishing and the establishment for the purpose of consumer deception of an unauthorized imitation website, constitutes bad faith ([WIPO Overview 3.0](#), section 3.4). Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel finds 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 disputed domain name <salesforc.net> be transferred to the Complainant.

/William A. Van Caenegem/

William A. Van Caenegem

Sole Panelist

Date: August 29, 2024