

## **ADMINISTRATIVE PANEL DECISION**

Archer-Daniels-Midland Company v. trade mark, person  
Case No. D2024-3346

### **1. The Parties**

Complainant is Archer-Daniels-Midland Company, United States of America (“United States”), represented by Innis Law Group LLC, United States.

Respondent is trade mark, person, United States.

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

The disputed domain name <ardanmid.top> (the “Domain Name”) is registered with Alibaba.com Singapore E-Commerce Private Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 14, 2024. On August 15, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 16, 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 (Unknown, Redacted for Privacy, person) and contact information in the Complaint. The Center sent an email to Complainant on August 16, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on August 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 Respondent of the Complaint, and the proceedings commenced on August 23, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 12, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 17, 2024.

The Center appointed Robert A. Badgley as the sole panelist in this matter on September 23, 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**

Complainant alleges as follows:

“Archer-Daniels-Midland Company is widely known by its initials as ADM. Founded in 1902, the corporation now serves 200 countries, owns more than 800 facilities worldwide, employs over 38,000 people, and has become one of the world’s most premier agribusinesses. In 2022, worldwide net sales at ADM were USD 101 billion. Due to its promotion and continued global use of its name and brands, ADM has built up international goodwill and reliability in the ADM Marks among its consumers, wherein the ADM Marks are now well-known and famous. See, e.g., *Archer-Daniels-Midland Company v. Name Redacted*, WIPO Case No. [D2016-1618](#) (Panel determined that Complainant’s ADM Mark is well-known); *Archer-Daniels-Midland Company v. Warren Flaherty, Allwood Design and Manufacture Ltd / Identity Protect Limited*, WIPO Case No. [D2015-0539](#) (Panel determined that ADM had demonstrated that it has trademark rights in the ADM Mark and that its trademark is well-known).”

“ADM maintains its global presence online, via its various websites. For example, ADM maintains an extensive presence online through its main website, ADM.COM. [...] The ADM.COM website allows consumers to read about the history of ADM as well as the progress it has made since it was founded in 1902. The website also describes ADM’s vast array of products and services and provides consumers with the latest news on ADM. [...]”

“Although ADM was originally a food and ingredients company, its business areas also now include printing and publishing; financial and business management services; fuel production, including bioethanol and biodiesel; logistics services (agricultural storage and transportation services); and research and development services. For example, ADM provides financial services through ADM Investor Services, Inc. (“ADMIS”) and its many branches throughout the world. ADMIS, which is located in Chicago, Illinois, has been a leader in the futures brokerage industry for over 40 years.”

Complainant holds numerous trademark registrations in the United States and throughout the world for the mark ADM, including United States Patent and Trademark Office Reg. No. 1,386,430, registered on March 18, 1986, in connection with, among other things, processed foods, staple foods, natural agricultural products, industrial oils, and chemicals, with a 1923 date of first use in commerce.

The Domain Name was registered on August 2, 2024. The Domain currently resolves to an error page. For a time, however, the Domain Name resolved to a website featuring the mark ADM and displaying Complainant’s logo (a leaf). Respondent’s site solicited users to download a purported ADM app and sign in with personal information and a password. According to Complainant, Respondent also promoted “a fraudulent investment application on a YouTube channel by displaying ADM’s trademarks.” Respondent’s site also displayed a photo of one of Complainant’s agricultural plants in Mendota, Illinois.

#### **5. Parties’ Contentions**

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

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) 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**

The Panel finds that Complainant has rights in the mark ADM through registration and use demonstrated in the record. The Panel also finds that the Domain Name is confusingly similar to the ADM mark. The Domain Name incorporates ADM and adds letters corresponding to the full name of Complainant, Archer-Daniels-Midland ("Ar-Dan-Mid"). The Panel concludes that the ADM mark is recognizable within the Domain Name.

Moreover, the Panel concludes that Respondent's use of the Domain Name – creating a website including the actual ADM mark and Complainant's leaf logo and photos of Complainant's facilities – underscores the fact that Respondent himself believed the Domain Name to be confusingly similar to Complainant's ADM mark. Given Respondent's use of the Domain Name and the evident motive behind such use, Respondent is in no position to deny that the mark and the Domain Name are confusingly similar.

Complainant has established Policy paragraph 4(a)(i).

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

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

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in connection with the Domain Name. Respondent has not come forward in this proceeding to explain any possible bona fides he may have vis-à-vis the Domain Name, or to deny any of Complainant's plausible and documented assertions. On the undisputed record here, the Panel concludes that Respondent registered the Domain Name in order to impersonate Complainant and deceive the public for commercial gain. Such conduct clearly does not invest Respondent with rights or legitimate interests in respect of the Domain Name.

Complainant has established Policy paragraph 4(a)(ii).

### C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation,” are evidence of the registration and use of the Domain Name in “bad faith”:

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that 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 Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent’s website or other online location, by creating a likelihood of confusion with Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of Respondent’s website or location or of a product or service on Respondent’s website or location.

The Panel concludes that Respondent registered and used the Domain Name in bad faith under the Policy. The Panel incorporates its discussion above in the “Rights or Legitimate Interests” section. On this record, the Panel finds it clear that Respondent targeted Complainant’s ADM mark when registering the Domain Name and has used the Domain Names for illegitimate commercial gain by seeking to divert Internet traffic by impersonating Complainant. This constitutes bad faith registration and use within the meaning of the above-quoted Policy paragraph 4(b)(iv).

Complainant has established 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 Domain Name <ardanmid.top> be transferred to Complainant.

*/Robert A. Badgley/*

**Robert A. Badgley**

Sole Panelist

Date: October 7, 2024