

## **ADMINISTRATIVE PANEL DECISION**

Archer-Daniels-Midland Company (ADM) v. Archer Daniels Midlands  
Case No. D2024-3533

### **1. The Parties**

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

Respondent is Archer Daniels Midlands, US.

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

The disputed domain name <admnutrients.com> 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 August 30, 2024. On September 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 6, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Unknown / Registration Private, Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on September 9, 2024, providing the registrant and contact information disclosed by the Registrar and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on September 12, 2024.

The Center verified that the Complaint together with the amended 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 September 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 6, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on October 7, 2024.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on October 11, 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 is a large, long-established, well-known and widely diversified multinational corporation with global interests in agribusiness, logistics and finance among other areas.

Complainant owns many registrations for its ADM trademarks including for example US Trademark Registration No. 2766613, registered September 23, 2003, in International Classes 16, 35, 36 and 42 and US Trademark Registration No. 1386430 registered March 18, 1986, in International Classes 1, 4, 12, 16, 29, 30, 31, 33 and 39.

The disputed domain name was registered August 3, 2024, and does not resolve to an active webpage.

#### 5. Parties' Contentions

##### A. Complainant

Complainant avers that Respondent, working in concert with others, posed as an employee of Complainant and used the disputed domain name in a complex scheme to solicit and receive false orders and payment for large quantities of commercially distributed nut products and other commodities. Once payment from one defrauded customer was received, Complainant avers, Respondent caused the customer to be contacted with various representations about presumed problems that allegedly resulted in blocking of the shipment in a Japanese port for lack of compliance with national and international importation regulations. Complainant provides extensive annexes including several months of email correspondence to support its detailed allegations respecting multiple instances of this practice.

Complainant alleges that when it learned of fraudulent activity associated with another domain name, <admnutritions.com>, Complainant filed a UDRP against that domain name, on July 29, 2024. See *Archer-Daniels-Midland Company v. Name Redacted*, WIPO Case No. [D2024-3095](#) (transfer). Since the <admnutritions.com> domain name was locked by the registrar upon filing of that earlier complaint, Complainant alleges, Respondent on August 3, 2024, immediately registered the <admnutrients.com> domain name that is the subject of this proceeding, to continue its fraudulent scheme.<sup>1</sup>

Some of the annexed, allegedly fraudulent correspondence emanates from an email address at the disputed domain name, while other correspondence relating to logistics, tax, insurance, and customs clearance aspects of the international shipments to the buyer were sent from an email address at <admnutritions.com> (at issue in *Archer-Daniels-Midland Company v. Name Redacted*, supra). Yet other correspondence appeared to have been sent from a consultant at an otherwise legitimate customs broker in the US. The Bill of Lading and other documents impersonate Complainant, using its official address, trademarked logo, and an official looking corporate seal.

Complainant avers that its ADM mark was adopted and has been continuously used in the US since at least as early as 1923. Complainant also notes that it has been subject to a large number of abusive domain name registrations in furtherance of similar fraudulent schemes in recent months, and that it has consequently brought several successful UDRP proceedings.

---

<sup>1</sup>The Panel notes that the initial product solicitation described by Complainant in the case of the Japanese shipment was sent from an email address at the earlier <admnutritions.com> domain.

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

## **B. Respondent**

Respondent did not reply to 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.

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 entirety of the mark is reproduced 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 1.7.

Although the addition of other terms (here, "nutrients") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of paragraph 4(a) 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 that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Panel accepts Complainant's undisputed evidence and finds that Respondent has impersonated Complainant and used the disputed domain name in furtherance of a fraudulent scheme. Such use of the disputed domain name cannot be held to be bona fide.

Panels have held that the use of a domain name for illegal activity (here, alleged impersonation/passing off, or other types of fraud) 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 paragraph 4(a) 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 the present case, the Panel notes that Respondent employed the disputed domain name in an elaborate fraudulent scheme. It is also clear that Respondent targeted Complainant in bad faith, including, for example (1) by registering a confusingly similar domain name, (2) by impersonating employees and others affiliated with Complainant; (3) by impersonating Complainant Archer Daniels Midlands and using Complainant's headquarters address even in the Registrar's registration form, (4) by using Complainant's trademarked logo, and (5) by shifting away from using another domain name that included Complainant's trademarks (when it was locked during separate UDRP proceedings) to continue Respondent's fraudulent scheme using the confusingly similar domain name at issue in the current proceeding.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegal activity (here, alleged impersonation/passing off, or other types of fraud), constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds that Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

Respondent's efforts to conceal its identity by adopting that of Complainant in Respondent's registration contact details and Respondent's failure to respond to the Complaint in this proceeding are further evidence of bad faith.

The Panel finds that Complainant has established the third element of paragraph 4(a) 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 <admnutrients.com> be transferred to Complainant.

*/Jeffrey D. Steinhardt/*

**Jeffrey D. Steinhardt**

Sole Panelist

Date: October 25, 2024