

ADMINISTRATIVE PANEL DECISION

Seaboard Corporation v. Name Redacted
Case No. D2024-3744

1. The Parties

Complainant is Seaboard Corporation, United States of America (“U.S.”), represented by Hovey Williams LLP, U.S.

Respondent is Name Redacted¹.

2. The Domain Name and Registrar

The disputed domain name <seaboardfoods.org> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 13, 2024. On September 16, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 17, 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 (Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to Complainant on September 17, 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 20, 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”).

¹ The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on September 24, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 14, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on October 15, 2024.

The Center appointed Jeffrey M. Samuels as the sole panelist in this matter on October 22, 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 Seaboard Corporation, which traces its origins back to 1918, is a global food, energy, and transportation company that operates through a network of integrated service-oriented companies, including Seaboard Foods. Seaboard Foods, a wholly owned subsidiary of Complainant, was founded in the early 1990s and is currently a top U.S. pork producer and processor.

Complainant owns U.S. trademark registration Nos. 2246196 and 2991520 for the mark SEABOARD, which were issued on May 18, 1999, and September 6, 2005, respectively, as well as U.S. trademark registration Nos. 3519968 and 6969346 for the marks SEABOARD FOODS and SEABOARD FOODS and Design, which were issued on October 21, 2008, and January 31, 2023, respectively. Complainant first used the SEABOARD trademark since at least as early as February 1984, and the SEABOARD FOODS trademark since at least as early as 2008. Complainant also owns trademark registrations for its SEABOARD and SEABOARD FOODS marks in other jurisdictions (e.g., China, Japan, Mexico, Canada, and the United Kingdom), and owns the <seaboardfoods.com> domain name, which was registered on May 13, 2005.

The disputed domain name <seaboardfoods.org> was registered on June 25, 2024, and resolves to a parking page. The disputed domain name has also been used to generate fraudulent emails impersonating one of Complainant's employee.

5. Parties' Contentions

A. Complainant

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

Notably, Complainant contends that the disputed domain name is identical or confusingly similar to its SEABOARD trademark and identical to its SEABOARD FOODS mark. Complainant notes that the disputed domain name incorporates the SEABOARD FOODS mark in its entirety, is identical to its domain name changing only the generic Top-Level-Domain ("gTLD") of "com" to "org". Complainant points out that the applicable gTLD is viewed as a standard registration requirement and, as such, is disregarded when comparing the disputed domain name to Complainant's SEABOARD and SEABOARD FOODS trademarks.

Complainant next alleges that Respondent has no rights or legitimate interests in the disputed domain name. It first emphasizes that the disputed domain name was registered approximately 40 years after Complainant first used its SEABOARD mark and over 15 years after Complainant acquired rights in its SEABOARD FOODS marks.

Upon information and belief, Complainant further asserts that Respondent is not commonly known by the disputed domain name. Complainant further points out that it has not granted Respondent a license to use the SEABOARD or SEABOARD FOODS marks for any purpose.

Complainant points out that Respondent created the disputed domain name for use for an email phishing scheme, using the email address [...]@seaboardfoods.org, that falsely impersonated a credit and collection administrator at Seaboard Foods in an attempt to deceive one of Seaboard Foods' customers, into paying future invoices to a bank account likely belonging to or associated with Respondent. Attached to the phishing email sent to Seaboard Food's customers was a fake letter from Seaboard Foods' vice president of sales and marketing providing the "new" banking information, which consisted of an account at a bank in New Britain, Connecticut. Also attached to the phishing email was a fake or tampered letter from the vice president of the Connecticut bank verifying that Seaboard Foods prepared the new account for receiving deposits from clients. According to Complainant, "Respondent's blatant infringing and illegal activities cannot be held to grant Respondent any rights or legitimate interests in the Disputed Domain Name".

With respect to the issue of "bad faith" registration and use, Complainant relies primarily on the use of the disputed domain name in connection with the phishing scheme discussed above and notes that the phishing email detailed above was sent just three days after registration of the disputed domain name. Complainant also asserts that its marks have a well-known character worldwide and that it has long operated a website at the <seaboardfoods.com> domain name. In view thereof, "it may be inferred that Respondent knew the prior rights and wide use of Complainant's trademarks, and thus registered the infringing and disputed domain name for the sole purpose of running the above-described phishing scheme".

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 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 SEABOARD FOODS mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The disputed domain name is also confusingly similar to the SEABOARD mark as the mark is recognizable within the disputed domain name.

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 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.

Panels have held that the use of a domain name for illegal activity, such as the email phishing scheme established in this case, 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

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, such as that established in this case through evidence that Respondent used the disputed domain name in connection with a phishing scheme, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Further, given the longstanding use by Complainant of its SEABOARD and SEABOARD FOODS marks, use that long predates the registration of the disputed domain name, and the fact that the phishing email was sent only three days after registration of the disputed domain name, it is more likely than not that Respondent registered the disputed domain name for the sole purpose of engaging in the illegal phishing scheme.

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 <seaboardfoods.org> be transferred to Complainant.

/Jeffrey M. Samuels/

Jeffrey M. Samuels

Sole Panelist

Date: November 5, 2024