

## ADMINISTRATIVE PANEL DECISION

Archer-Daniels-Midland Company v. bill, bill  
Case No. D2024-4255

### 1. The Parties

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

The Respondent is bill, bill, United States.

### 2. The Domain Names and Registrar

The disputed domain names <aaddmall.com> and <aaddmall.top> are registered with Dominet (HK) Limited (Alibaba.com Singapore E-Commerce Private Limited)<sup>1</sup> (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 16, 2024. On October 16, 2024, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On October 17, 2024, the Registrars 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 17, 2024, providing the registrant and contact information disclosed by the Registrars, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on October 18, 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 the Respondent of the Complaint, and the proceedings commenced on October 21, 2024. In accordance with the Rules, paragraph

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<sup>1</sup> Alibaba.com Singapore E-Commerce Private Limited with the Registrar IANA ID: 3775 has changed its name to Dominet (HK) Limited.

5, the due date for Response was November 10, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 11, 2024.

The Center appointed Angela Fox as the sole panelist in this matter on November 21, 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 one of the world's largest agribusinesses. It was founded in the United States in 1902 as a food and ingredients company, but its activities now extend to a wide range of other areas including 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. It is widely known by its initials as ADM. The Complainant is active in 200 countries, owns more than 800 facilities worldwide and employs over 38,000 people. In 2023, its worldwide net sales were USD 93 billion.

The Complainant owns numerous trademark registrations around the world for the ADM trademark, which it adopted and has continuously used in the United States since at least as early as 1923. Among others, the Complainant owns the following United States trademark registrations, details of which were annexed to the Complaint:

- Registration no. 1386430 for ADM in Classes 1, 4, 12, 16, 29, 30, 31, and 39, registered on March 18, 1986;
- Registration no. 2307492 for ADM in Classes 35, 36, 40, and 42, registered on January 11, 2000; and
- Registration no. 2766613 for ADM in Classes 16, 35, 36, and 42, registered on September 23, 2003.

The Complainant asserts that its ADM trademark enjoys substantial goodwill and reputation internationally and refers in this regard to the UDRP decisions in *ArcherDaniels-Midland Company v. Name Redacted*, WIPO Case No. [D2016-1618](#) and *Archer-Daniels-Midland Company v. Warren Flaherty, Allwood Design and Manufacture Ltd / Identity Protect Limited*, WIPO Case No. [D2015-0539](#).

The disputed domain names were both registered on June 17, 2024.

The Complainant submitted this Complaint after discovering that the disputed domain names were being used in connection with a fraudulent cryptocurrency exchange and investment App. The fraudulent App was promoted on YouTube and displayed the Complainant's ADM trademark, and visitors were instructed to provide personally identifiable information and make deposits and supposed investments on the websites at the disputed domain names. The Complainant made a takedown request to YouTube, who has removed the fraudulent videos.

The websites linked to the disputed domain names, which purport to impersonate the Complainant and prominently display the Complainant's ADM trademark and logo, as shown by screenshots annexed to the Complaint. The registration pages on those sites invite visitors to provide personal information, including phone number, or email address to create an account. The "Company Profile" link found on both websites provides a detailed summary of ADM and its agricultural business. The website homepages also display a rolling announcement banner which identifies the platform as "ADM International USDT Shopping and Financial Management Mall", and further promote the promise of financial rewards and bonuses, and offer commissions to users who persuade others to deposit money into the platform.

## 5. Parties' Contentions

### A. Complainant

The Complainant asserts that the disputed domain names are confusingly similar to the Complainant's registered trademark, ADM. The Complainant further asserts that the Respondent has no rights or legitimate interests in the disputed domain names, because it has been using them in connection with fraudulent activities. Finally, the Complainant submits that the disputed domain names were registered and have been used in bad faith, as evidenced by their use in connection with a fraudulent cryptocurrency exchange and investment App.

### B. Respondent

The Respondent did not reply to the Complainant's contentions and is in default. No exceptional circumstances explaining the default have been put forward. Therefore, in accordance with paragraphs 14(a) and (b) of the Rules, the Panel will decide the Complaint and shall draw such inferences, as it considers appropriate from the Respondent's default.

## 6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the panel finds that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) the respondent has no rights or legitimate interests in the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

All three elements must be present before a complainant can succeed in an administrative proceeding under the Policy.

### 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 names. 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 names. Although the element "aaddmall" includes other letters, the eye is drawn to the repetition of the letters "a" and "d", which are followed by an "m". The "m" precedes "all" and can be read as "mall", which denotes a physical or online place where many different types of goods and services can be found together. The whole resembles a typographical error arising from a fumbled attempt to type "adm mall". In the Panel's view, the Complainant's ADM trademark remains recognizable within the disputed domain names to meet the standing requirement in paragraph 4(a)(i) of the Policy. Accordingly, the disputed domain names are confusingly similar to the Complainant's mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Further, the Panel finds that the use of the Complainant's ADM trademark on the websites associated with the disputed domain names confirms such confusing similarity as the Respondent appears to seek to target the Complainant's trademark through the disputed domain names. [WIPO Overview 3.0](#), section 1.15.

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 names.

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.

In this case, the Complainant has provided evidence that the disputed domain names have been used in connection with a fraudulent cryptocurrency app that was promoted on YouTube, and visitors were invited to access the websites at the disputed domain names which prominently displays the Complainant’s ADM trademark and logo, displaying information of ADM and its agricultural business. The websites also promote financial rewards and bonuses, and offer commissions to users who persuade others to deposit money into the platform on the websites. Panels have categorically held that the use of a domain name for illegitimate activity here, claimed 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 Respondent has not attempted to rebut the Complainant’s assertions and evidence.

The Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names, and that the second element of the Policy has been established.

## **C. Registered and Used in Bad Faith**

The Complainant has shown evidence that the disputed domain names have been used in connection with a fraudulent cryptocurrency App that was promoted on YouTube, and visitors were invited to access the websites at the disputed domain names which promote a platform named “ADM International USDT Shopping and Financial Management Mall”, and seek personal information from visitors through creating an account on the websites for what appear to be fraudulent purposes. Given the substantial international use and reputation of the ADM trademark at the time the disputed domain names were registered, and the fact that the websites linked to the disputed domain names prominently display the ADM trademark and appear intended to impersonate the Complainant, it is most likely that the Respondent was targeting the Complainant when it registered the disputed domain names.

[WIPO Overview 3.0](#), section 3.1.4, states that “the use of a domain name for per se illegitimate activity such as [...] phishing can never confer rights or legitimate interests on a respondent” and that “such behavior is manifestly considered evidence of bad faith.” In addition, panels have held that the use of a domain name for illegitimate activity here, claimed 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 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 names <aaddmall.com> and <aaddmall.top> be transferred to the Complainant.

*/Angela Fox/*

**Angela Fox**

Sole Panelist

Date: December 18, 2024