

## **ADMINISTRATIVE PANEL DECISION**

Archer-Daniels-Midland Company v. adm corps  
Case No. D2024-4398

### **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 adm corps, United States.

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

The disputed domain name <adms-corp.com> is registered with Name SRS AB (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 25, 2024. On October 28, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 29, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to Complainant on October 30, 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 October 30, 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 October 31, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 20, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on November 21, 2024.

The Center appointed Bradley A. Slutsky as the sole panelist in this matter on November 27, 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 was founded in 1902 and operates in 200 countries. Complainant owns more than 800 facilities worldwide, employs over 38,000 people, and is one of the world's largest agricultural businesses. Complainant's business also has branched into a number of other industries, including printing and publishing, financial and business management services, fuel production, logistics services, and research and development services. In 2023, Complainant's worldwide net sales were USD 93 billion. Complainant has nearly 400 ADM trademark registrations worldwide, including the following:

Mark	Goods/Services	Jurisdiction	Reg. No.	Reg. Date
ADM	Chemicals for industrial use, etc.	United States of America	1,386,430	March 18, 1986 (date of first use: 1923)
ADM	Printed materials, market research services, etc.	United States of America	2,766,613	September 23, 2003 (date of first use: November, 2001)
ADM	Vitamins and dietary supplements, etc.	United States of America	2,301,968	December 21, 1999 (date of first use: February 1, 1976)
ADM	Information services in the field of employment rendered by means of a global computer information network, etc.	United States of America	2,307,492	January 11, 2000 (date of first use: July 25, 1996)

Complainant maintains a website at the domain name <adm.com>, which allows Complainant's customers to conduct business with Complainant from anywhere in the world, and Complainant uses the domain name <adm.com> for its corporate email communications.

The disputed domain name was registered on September 17, 2024. The Annexes to the Complaint contain email messages from the disputed domain name to Complainant's suppliers, seeking to purchase goods with a purchase order that uses (a) Complainant's logo, and (b) a phrase - "Unlocking Nature, Enriching Life" - that Complainant has used since 2020 and for which Complainant has filed a service mark application. The disputed domain name leads to an inactive website.

#### 5. Parties' Contentions

##### A. Complainant

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

Notably, Complainant contends that the disputed domain name is confusing similar to Complainant's ADM mark in that it wholly incorporates Complainant's mark, adding the letter "s", a hyphen, and "corp" (which allegedly "increases the confusing similarity by incorporating into the domain a shortened term for 'corporations'."). Complainant notes that "[i]n multiple other proceedings brought by the Complainant, the registrants of similarly named domains, ADMCORPS.COM, ADMSCORPS.COM, and ADM-CORPS.COM, attempted to place, and in some cases successfully placed, large fraudulent orders of product without payment, while posing as an ADM employee." Complainant also asserts that the disputed domain name "targets the same type of businesses as the Complainant with its ADM Mark and ADM's websites, namely manufacturers and suppliers of industrial goods. The Respondent is clearly targeting third party companies who would be interested in doing business with ADM. Any individual who encounters any correspondence from the emails associated with the ADMS-CORP.COM domain will be misled into believing that the

communications are coming from, or are somehow affiliated with, ADM.” Complainant contends that Respondent has no rights or legitimate interests in respect of the disputed domain name as Respondent has not been commonly known by the disputed domain name (given that the disputed domain name was registered on September 17, 2024), Respondent allegedly used the disputed domain name “to fraudulently impersonate an ADM employee and deceive multiple businesses into believing they were communicating with a real ADM representative”, Respondent is not making a legitimate, noncommercial or fair use of the disputed domain name without intent for commercial gain, and the disputed domain name does not have an active website. Finally, Complainant contends that the disputed domain name was registered and is being used in bad faith in that Respondent “has attempted to mislead at least two third-party companies into believing they have received legitimate business inquiries from ADM”, Respondent used the same name and email address to register the disputed domain name that were used to register <admscorps.com> (which also was then used to send emails designed to deceive the recipient into believing that the emails originated from an employee of Complainant), and Complainant’s ADM mark allegedly is “so well known internationally” that Respondent “was certainly aware of ADM’s rights in the ADM Mark prior to registering the ADMS-CORP.COM domain, as such the ADMS-CORP. COM domain was intentionally selected in order to appear as a domain that is legitimately associated with ADM.”

## **B. Respondent**

Respondent did not reply to Complainant’s contentions.

## **6. Discussion and Findings**

Pursuant to paragraph 15(a) of the Rules, a panel in UDRP proceedings “shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

Under paragraph 4(a) of the Policy, Complainant must prove the following:

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

### **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 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, namely, the addition of an “s”, a hyphen, and “corp”, may bear on assessment of the second and third elements, the Panel finds the addition of such items 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 addition of the “.com” generic Top-Level Domain similarly “is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.” [WIPO Overview 3.0](#), section 1.11.1.

Accordingly, 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. “Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate [Respondent’s] rights or legitimate interests to the domain name for purposes of paragraph 4(a)(ii):

(i) before any notice to [Respondent] of the dispute, [Respondent’s] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or

(ii) [Respondent] (as an individual, business, or other organization) [has] been commonly known by the [disputed] domain name, even if [Respondent has] acquired no trademark or service mark rights; or

(iii) [Respondent is] making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue”. Policy, paragraph 4(c).

Although the overall burden of proof in UDRP proceedings is on 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 respondent. As such, where Complainant makes out a prima facie case that Respondent lacks rights or legitimate interests, the burden of production on this element shifts to Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on Complainant). If Respondent fails to come forward with such relevant evidence, Complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds 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 only demonstrated use of the disputed domain name in this matter is the impersonation of an employee of Complainant, in an attempt to purchase goods without paying for them. Respondent apparently hoped that vendors would rely on Complainant’s reputation and allow goods to be collected based on the submission of a purchase order without payment. This is not a bona fide offering of goods or services, or a legitimate noncommercial or fair use of the disputed domain name. There also is no evidence that Respondent has been commonly known by the disputed domain name, especially in light of the recent registration of the disputed domain name and the use of it, shortly thereafter, to impersonate Complainant’s employee and attempt to obtain goods without payment.

Panels have held that the use of a domain name for such fraudulent activity can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. See also *Archer-Daniels-Midland Company v. adm corps*, WIPO Case No. [D2024-3086](#) (“Panels have held that the use of a domain name for illegal activity, here, claimed impersonation of one of the Complainant’s employees, can never confer rights or legitimate interests on a respondent.”).

Accordingly, the Panel finds the second element 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. Specifically, “the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that [Respondent has] registered or [Respondent 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 [Respondent’s] documented out-of-pocket costs directly related to the domain name; or
- (ii) [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) [Respondent has] registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) 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.” Policy, paragraph 4(b).

“Given that the scenarios described in UDRP paragraph 4(b) are non-exclusive and merely illustrative, even where a complainant may not be able to demonstrate the literal or verbatim application of one of the above scenarios, evidence demonstrating that a respondent seeks to take unfair advantage of, abuse, or otherwise engage in behavior detrimental to Complainant’s trademark would also satisfy Complainant’s burden.” [WIPO Overview 3.0](#), section 3.1.

In the present case, the Panel notes that Respondent used the disputed domain name to impersonate an employee or Complainant in an effort to convince vendors to provide goods to Respondent without payment. Respondent also registered a similar domain name, <admscorps.com>, and engaged in similar activities using that domain name.

Panels have held that the use of a domain name for illegal activity, such as impersonation of an employee and attempting to defraud a vendor into providing goods or services without payment, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. See also *Archer-Daniels-Midland Company v. adm corps*, supra. Having reviewed the record, the Panel finds Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

Accordingly, 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 <adms-corp.com> be transferred to Complainant.

/Bradley A. Slutsky/

**Bradley A. Slutsky**

Sole Panelist

Date: December 11, 2024