

ADMINISTRATIVE PANEL DECISION

Archer-Daniels-Midland Company v. dolly deeone, adm Company
Case No. D2024-4466

1. The Parties

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

The Respondent is dolly deeone, adm Company, United States.

2. The Domain Name and Registrar

The disputed domain name <admprocurement.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 30, 2024. On October 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 31, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 the Respondent of the Complaint, and the proceedings commenced on November 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 24, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 25, 2024.

The Center appointed R. Eric Gaum as the sole panelist in this matter on December 4, 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 owns numerous US trademark registrations for the mark ADM, listed below in part:

Trademark	Jurisdiction	Status	Reg./App. No.
ADM	United States	Registered: 3/18/1986	1386430
ADM	United States	Registered: 9/23/2003	2766613
ADM	United States	Registered: 1/11/2000	2307492

The Complainant also owns and operates the domain name <adm.com> registered in 1994.

The disputed domain name was registered on July 5, 2024. According to the unrebutted evidence, the disputed domain name was used to send fraudulent emails.

5. Parties' Contentions

A. Complainant

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

The Respondent has committed a series of fraudulent activities, including impersonation, deceptive email communications, and illicit use of ADM's name and trademark in the disputed domain name. Upon information and belief, the Respondent registered the disputed domain name and subsequently created at least three email addresses including one which misappropriated the identity of a legitimate long-term ADM employee, currently serving as the Solution Lead MDM Director at the Complainant's company. The other two email addresses were created and listed by the Respondent on a credit application in order to appear legitimate.

Under the guise of the Complainant's employee via the fraudulent email address, on September 3, 2024, the Respondent targeted one of the world's leading suppliers of electrical components, in order to request a quote for the purchase of 25,000 ft of 20T Black Wire costing a total of USD132,000, as a part of the Respondent's fraudulent scheme. In the Respondent's email correspondence, the Respondent's signature block listed the Complainant's company name, the Complainant's actual Chicago address, and fraudulently signed the email as from the Complainant's employee, with a false employment title and phone number, in an attempt to further deceive the supplier and convey legitimacy of the correspondence.

In addition, the Respondent filled out a credit application, which was provided by the supplier in order to open an account. The Respondent filled out the credit application listing the Complainant's company name, the actual address of Complainant's headquarters in Chicago, provided two fraudulent emails using the domain name, to create false association with the Complainant's company, and fraudulently signed the form as being from the Complainant's employee. As a result of submitting the falsified credit application and sending the fraudulent email requests, the supplier issued a receipt in the amount of USD132,000 in the name of the Complainant, listing the Complainant's actual Chicago address. The Complainant did not intend to purchase the referenced goods. The Complainant received the copies of the fraudulent emails from the supplier.

B. Respondent

The Respondent did not reply to the 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.

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 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, "procurement" 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 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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the 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 finds that the nature of the disputed domain name carries a risk of implied affiliation, which cannot constitute fair use. The additional term "procurement" suggests that the disputed domain name is associated with the Complainant's procurement team. The Complainant has a page on its website dedicated to procurement of suppliers, including a registration platform for new suppliers.

Furthermore, Panels have held that the use of a domain name for illegal activity here, claimed fraudulent emails and 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 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 the Respondent has committed a series of fraudulent activities, including impersonation, deceptive email communications, and illicit use of Complainant's name and trademark in the disputed domain name. Respondent registered the disputed domain name and subsequently created at least three email addresses including one which misappropriated the identity of a legitimate long-term employee of the Complainant. The other two email addresses were created and listed by the Respondent on a credit application in order to appear legitimate.

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, claimed as 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 name <admprocurement.com> be transferred to the Complainant.

/R. Eric Gaum/

R. Eric Gaum

Sole Panelist

Date: December 18, 2024