

ADMINISTRATIVE PANEL DECISION

LinkedIn Corporation v. DNS Admin, Botflip LLC
Case No. DIO2022-0005

1. The Parties

The Complainant is LinkedIn Corporation, United States of America (“United States”), represented The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States.

The Respondent is DNS Admin, Botflip LLC, United States.

2. The Domain Name and Registrar

The disputed domain name <linkedin.io> (the “Disputed Domain Name”) is registered with Tucows Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 16, 2022. On February 16, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 16, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on February 17, 2022, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on February 22, 2022.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the .IO Domain Name Dispute Resolution Policy (the “Policy”), the Rules for .IO Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .IO 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 February 23, 2022. In accordance with the Rules, paragraph 5, the due date for Response was March 15, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 18, 2022.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on March 23, 2022. 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, one of the world's largest professional network on the Internet, was founded in 2003 and has 810 million members in more than 200 countries and territories. The Complainant has 18,000 full-time employees with 33 offices in cities around the world and operates websites in 25 languages. The Complainant is the owner of numerous LINKEDIN trademark registrations, including LINKEDIN Reg. No. 3,074,241 dated March 28, 2006.

The Complainant's global headquarters are in Sunnyvale, California, with EMEA headquarters in Dublin and APAC headquarters in Singapore. The Complainant's United States offices are in Chicago, Los Angeles, New York, Omaha, San Francisco, Sunnyvale, and Washington D.C. International offices are located in Amsterdam, Bangalore, Beijing, Dubai, Dublin, Graz, Hong Kong, London, Madrid, Melbourne, Milan, Mumbai, Munich, New Delhi, Paris, Perth, São Paulo, Shanghai, Singapore, Stockholm, Sydney, Tokyo, and Toronto.

The Complainant registered the domain name <linkedin.com> on November 2, 2002, and uses it in connection with its primary website.

The Disputed Domain Name was registered on August 15, 2016, and is being used in connection with a website that falsely appears to be a website for, or otherwise associated with, the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant is the owner of at least 235 trademark registrations in at least 62 jurisdictions worldwide that consist of or include the mark LINKEDIN. The Complainant's registrations for the LINKEDIN trademark include the following in the United States:

LINKEDIN Reg. No. 3,074,241 Date of First Use in Commerce May 5, 2003, Date of Registration March 28, 2006.



Reg. No. 3,074,242 Date of First Use in Commerce May 5, 2003, Date of Registration March 28, 2006.



Reg. No. 3,971,644 Date of First Use in Commerce May 5, 2003, Date of Registration May 31, 2011.

LINKEDIN.COM Reg. No. 3,303,349 Date of First Use in Commerce May 30, 2004, Date of Registration October 2, 2007.

The Top-Level Domain (“TLD”) “.io” is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. The second-level portion of the Disputed Domain Name contains the LINKEDIN trademark (and only the LINKEDIN trademark) in its entirety. When a domain name contains a complainant’s trademark, and only such trademark it is apparent that the Disputed Domain Name is identical or confusingly similar to the Complainant’s LINKEDIN trademark.

The Respondent has no rights or legitimate interests in the Disputed Domain Name. The Complainant has never assigned, granted, licensed, sold, transferred or in any way authorized the Respondent to register or use the LINKEDIN trademark in any manner.

The Respondent uses the Disputed Domain Name in connection with a website that appears to be a website for, or otherwise associated with, the Complainant – by prominently using the LINKEDIN trademark along with a color scheme that is similar to the Complainant’s and describing itself as “your space for a free professional profile” (Annex 7 of the Complaint) – the Respondent has failed to create a *bona fide* offering of goods or services under the Policy, and, therefore, the Respondent cannot demonstrate rights or legitimate interests.

The Respondent has never been commonly known by the Disputed Domain Name and has never acquired any trademark or service mark rights in the Disputed Domain Name.

By using the Disputed Domain Name in connection with a website that appears to be a website for, or otherwise associated with, the Complainant – by prominently using the LINKEDIN trademark along with a color scheme that is similar to the Complainant’s and describing itself as “your space for a free professional profile” the Respondent’s actions are clearly not legitimate and clearly are misleading and, therefore, the Respondent cannot establish rights or legitimate interests.

The Disputed Domain Name should be considered as having been registered and used in bad faith by the the Respondent. Given the global reach and popularity of the Complainant’s services under the LINKEDIN trademark it is inconceivable that Respondent chose the contested domain name without knowledge of the Complainant’s activities and the name and trademark under which the Complainant is doing business. Given the obvious worldwide fame of the LINKEDIN trademark the Respondent’s action of registering a domain name that consists exclusively of the LINKEDIN trademark alone establishes opportunistic bad faith.

By using the Disputed Domain Name in connection with a website that falsely purports to be a website for, or otherwise associated with, the Complainant – by prominently using the LINKEDIN trademark along with a color scheme that is similar to the Complainant’s and describing itself as “your space for a free professional profile” the Respondent is clearly “creating a likelihood of confusion” with the LINKEDIN trademark, constituting bad faith.

A further indication of bad faith under the Policy is the fact that the oldest registration for the LINKEDIN trademark, United States Reg. No. 3,074,241 was registered more than 10 years before the Respondent’s registration of the Disputed Domain Name. Because the Disputed Domain Name is so obviously connected with the Complainant, the Respondent’s actions suggest “opportunistic bad faith” in violation of the Policy

B. Respondent

The Respondent did not reply to the Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated it owns registered trademark rights in the LINKEDIN mark, and has shown that no other entity has rights in or uses the Complainant's mark. The TLD ".io" is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. Accordingly, the Disputed Domain Name is identical to a mark in which the Complainant has rights.

See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.8.¹

Accordingly, the Disputed Domain Name is identical to a mark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has presented a *prima facie* case that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and has not been commonly known by the Disputed Domain Name. The fact that the Respondent obtained the Disputed Domain Name years after the Complainant had begun using its famous LINKEDIN mark indicates the Respondent sought to piggyback on the LINKEDIN mark for illegitimate reasons possibly using the website to obtain email addresses for possible phishing schemes.

After a complainant has made a *prima facie* case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See [WIPO Overview 3.0](#), section 2.1.

Here, the Respondent has provided no evidence of any rights or legitimate interests in the Disputed Domain Name.

In the absence of any evidence rebutting the Complainant's *prima facie* case indicating the Respondent's lack of rights or legitimate interests in respect of the Disputed Domain Name, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered or Used in Bad Faith

The Disputed domain Name was registered many years after the Complainant first registered and used its globally famous LINKEDIN trademark. The evidence on the record provided by the Complainant with respect to the extent of use and global fame of its LINKEDIN trademark, combined with the absence of any evidence provided by the Respondent to the contrary, is sufficient to satisfy the Panel that, at the time the Domain Name was registered, the Respondent undoubtedly knew of the Complainant's LINKEDIN trademark, and knew that it had no rights or legitimate interests in the Disputed Domain Name.

There is *prima facie* no reason for the Respondent to have registered the Disputed Domain Name containing the LINKEDIN trademark in its entirety.

Further, the use of the Disputed Domain Name by the Respondent is clearly in bad faith. Paragraph 4(b)(iv) of the Policy states that evidence of bad faith may include a respondent's use of a domain name to intentionally attempt to attract, for commercial gain, Internet users to the respondent's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the

¹ Given the similarities between the .IO Policy and the Uniform Domain Name Dispute Resolution Policy ("UDRP"), the Panel finds UDRP precedent to be relevant to this case.

respondent's website or location. The Complainant has submitted evidence that the Respondent has used the Disputed Domain Name to host a website which says "Linkedin.io is your space for a free professional profile" and features a box which asks users to register their email address. Given the fame of the Complainant's LINKEDIN mark, the obvious inference is that the Respondent hoped to mislead customers of the Complainant to visit the website at the Disputed Domain Name to cull email addresses from unsuspecting user for possible phishing attempts or some other illegitimate use.

This is a textbook example of bad faith use on the part of the Respondent.

In the absence of any evidence or explanation from the Respondent, the Panel finds that the only plausible basis for registering and using the Disputed Domain Name has been for illegitimate and bad faith purposes.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(iii) 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 <linkedin.io> be transferred to the Complainant.

/Colin O'Brien/

Colin O'Brien

Sole Panelist

Date: April 5, 2022