

ADMINISTRATIVE PANEL DECISION

LinkedIn Corporation v. Patriciu Rares Petridean
Case No. DRO2024-0001

1. The Parties

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

The Respondent is Patriciu Rares Petridean, Romania.

2. The Domain Name and Registrar

The disputed domain name <linkedin.ro> is registered with ROTLD (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on January 28, 2024. On January 29, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 30, 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 (Undisclosed) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 31, 2024, 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 2, 2024.

On January 31, 2024, the Center informed the parties in Romanian and English, that the language of the registration agreement for the disputed domain name is Romanian. On February 2, 2024, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission, however, on February 1, 2024, the Respondent sent an email communication in English wishing to explore settlement options. The Complainant did not request for a suspension of the proceedings.

The Center verified that the Complaint together with the amendment to 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 February 7, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 27, 2024. The Respondent did not submit any formal response. Accordingly, the Center notified the Commencement of Panel Appointment Process on February 28, 2024.

The Center appointed Mihaela Maravela as the sole panelist in this matter on March 5, 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

According to information in the Complaint, the Complainant was founded in 2003 and is the world's largest professional network on the Internet. The Complainant has more than 1 billion members in more than 200 countries and regions, including executives from every Fortune 500 company. The Complainant has 19,400 full-time employees with 36 offices in cities around the world and operates websites in 26 languages.

The Complainant is the holder of numerous trademarks for LINKEDIN, including the United States trademark No. 3,074,241 for LINKEDIN, registered as of March 28, 2006 for the class of services 35, the European Union trademark No. 4,183,893 for LINKEDIN, registered as of July 24, 2006 for the class of services 35, the International trademark No. 1,368,414 for LINKEDIN, registered as of April 27, 2017 for class of services 41. The Complainant is the registrant of numerous domain names, including <linkedin.com>, which it registered on November 2, 2002, and which it uses in connection with its primary website.

The disputed domain name was registered on October 21, 2018, and resolves to a website displaying the Complainant's trademark, also showing a contact form with the browser tab stating "under construction" and labelling the website as "not secure". The contact form on the disputed domain name is in Romanian and invites users to enter their email address and telephone number and leave a message.

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant contends that the disputed domain name is identical or confusingly similar to the LINKEDIN trademark as it only contains the LINKEDIN trademark in its entirety.

As regards the second element, the Complainant argues that 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. At least one security vendor has identified the disputed domain name as being associated with phishing activity, according to a report from VirusTotal, a service that analyzes files and URLs for viruses, worms, trojans and other kinds of malicious content. Accordingly, the Respondent clearly has not used the disputed domain name in connection with a bona fide offering of goods or services. To the Complainant's knowledge, 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.

With respect to the third element, the Complainant contends that its LINKEDIN trademark is clearly famous and/or widely known, given that it is protected by at least 235 trademark registrations in at least 62 jurisdictions worldwide, the oldest of which was registered almost 18 years ago. Given the Complainant's established rights in its trademarks and the fact that the disputed domain name is so obviously connected

with the Complainant given its numerous registrations worldwide for the LINKEDIN trademark, the Respondent's actions suggest "opportunistic bad faith" in violation of the Policy. The Respondent has established MX records for the disputed domain name, which enables it to use the disputed domain name to send and receive email and is further evidence of bad faith because it "give[s] rise to the strong possibility that the Respondent intended or intends to use the disputed domain name to send emails as part of a fraudulent phishing scheme. In addition, the Complainant argues that the Respondent is a repeat cybersquatter who has lost at least two previous domain name disputes and has therefore engaged in a pattern of such conduct pursuant to paragraph 4(b)(ii) of the Policy.

B. Respondent

The Respondent did not substantively reply to the Complainant's contentions. In an email communication of February 1, 2024, the Respondent proposed to transfer the disputed domain name to the Complainant immediately in return for USD 500.

6. Discussion and Findings

6.1. Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Romanian. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that (i) the disputed domain name consists solely of words in the English language: "linked" and "in", (ii) in response to the Center's email regarding the language of this proceeding, the Respondent sent an email to the Complainant and the Center in English, (iii) at least one previous panel found that English shall be the language of a proceeding in which the Respondent was the registrant of a disputed domain name.

The Respondent did not comment on the Complainant's request for the language of the proceeding be English and sent email communications in English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2. Substantive matters

No substantive response has been received from the Respondent in this case. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules. The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. See section 4.2 of the [WIPO Overview 3.0](#).

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (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 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 the Complainant's trademark and the disputed domain name. [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 entirety of the LINKEDIN 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.

It is the settled view of panels applying the Policy that the Top-Level Domain ("TLD") (here ".ro") should be disregarded under the first element test.

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.

There is no evidence in the record that the Respondent is currently using the disputed domain name in connection with a bona fide offering of goods or services, nor does the Respondent appear to engage in any legitimate noncommercial or fair use of the disputed domain name within the meaning of paragraphs 4(c)(i) and (iii) of the Policy. Rather, the disputed domain name appears to be used for a webpage with an online contact form that is presumably being used for phishing purposes. Such use does not confer rights or legitimate interests on the Respondent.

Panels have held that the use of a domain name for illegal activity (here, presumably phishing), can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Respondent is an individual named “Patriciu Rares Petridean” and there is no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

Furthermore, the nature of the disputed domain name, which is identical to the Complainant’s trademark carries a high risk of implied affiliation and cannot constitute a fair use as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#).

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.

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.

According to the unrebutted assertions of the Complainant, its LINKEDIN trademark was widely used in commerce well before the registration of the disputed domain name. The disputed domain name is identical with the Complainant’s trademark. Under these circumstances, it is most likely that the Respondent was aware of the Complainant’s trademark at the registration date of the disputed domain name. The Respondent provided no explanations for why he registered the disputed domain name. Therefore, given the circumstances in the case the Panel considers that the Respondent must have had knowledge of the Complainant’s rights in the LINKEDIN trademark when it registered the disputed domain name.

By using the disputed domain name to trick Internet users into revealing their personal information, the Respondent is presumably trying to capitalize on the Complainant’s reputation and goodwill for possibly malicious intent.

Panels have held that the use of a domain name for illegal activity (here, presumably phishing via a contact form page) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The Panel further notes that in his informal email communication the Respondent offered the disputed domain name for sale to the Complainant for USD 500, which is likely more than its out-of-pocket costs in connection with the disputed domain name, suggesting that the Respondent intended to capitalize on the Complainant’s trademark rights. This is an additional element that sustains in the Panel’s view bad faith registration and use of the disputed domain name.

Also, there appears to be a pattern of abusive registrations by the Respondent, as the unrebutted evidence in the case file shows that the Respondent was involved in at least one previous UDRP proceeding where similar facts caused the concerned UDRP panel to decide in favor of the complainant (See *Arcadis N.V. v. Patriciu Rares Petridean*, WIPO Case No. [DRO2023-0008](#)). This fact also supports a finding grounded on paragraph 4(b)(ii) of the Policy, referring to a respondent registering “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 you have engaged in a pattern of such conduct”.

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 <linkedin.ro> be transferred to the Complainant.

/Mihaela Maravela/

Mihaela Maravela

Sole Panelist

Date: March 19, 2024