

ADMINISTRATIVE PANEL DECISION

LinkedIn Corporation v. Yi Lei Zhang
Case No. D2023- 2826

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 Yi Lei Zhang, China.

2. The Domain Names and Registrar

The disputed domain names <aus-linkedin.com>, <ca-linkedin.com>, <id-linkedin.com>, <nz-linkedin.com> are registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 1, 2023. On July 1, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 5, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 13, 2023, 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 July 13, 2023.

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 July 14, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 3, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 4, 2023.

The Center appointed William A. Van Caenegem as the sole panelist in this matter on August 10, 2023. 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 the owner of at least 235 trademark registrations in at least 62 jurisdictions worldwide that consist of or include the mark including United States Trademark Registration No. 3,074,241 for LINKEDIN for use in connection with, *inter alia*, “online business networking services” (registered on March 28, 2006); United States Trademark Registration No. 4,007,079 for LINKEDIN for use in connection with, *inter alia*, “social introduction and social networking services” (registered on August 2, 2011); European Union Trade Mark Registration No. 004183893 for LINKEDIN for use in connection with, *inter alia*, “online business and professional networking services” (registered on July 24, 2006); and International Trademark Registration No. 1368414 for LINKEDIN for use in connection with, *inter alia*, “educational services” (registered on April 27, 2017).

The Complainant is also the registrant of numerous domain names, including <linkedin.com>, which it registered on November 2, 2002.

The disputed domain names <ca-linkedin.com> and <nz-linkedin.com> were registered on May 6, 2023, and <aus-linkedin.com> and <id-linkedin.com> were registered on May 12, 2023.

The disputed domain names all redirect to the Complainant’s official website using the domain name <linkedin.com>. The Respondent has configured MX records for each of the disputed domain names.

5. Parties’ Contentions

A. Complainant

The Complainant is a United States corporation which connects professionals online. It employs about 19,000 people worldwide and has 900 million members in 200 countries and regions. It is the owner of numerous trademark registrations for the mark LINKEDIN. The Complainant says that all the disputed domain names are confusingly similar to its registered trademark. Each of the disputed domain names contains the LINKEDIN trademark in its entirety, plus a hyphen and a geographical indication for a certain country. The Complainant points to section 1.7 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”) to support its contention that the fact that its registered mark is recognizable within the disputed domain name is sufficient to satisfy the requirement of confusing similarity.

The Complainant further asserts that it has never authorized the Respondent to use its LINKEDIN mark, and therefore the latter has no rights or legitimate interests in the disputed domain name. The Complainant says that the Respondent’s configuration of MX records for each of the disputed domain names enables him to send and receive emails that include the disputed domain name. It says that at least one security vendor has identified the disputed domain name as being as being used in connection with malicious activities.

According to the Complainant, this means that the Respondent has clearly not used the disputed domain name “in connection with a *bona fide* offering of goods or services” and for that reason cannot claim rights or legitimate interests pursuant to paragraph 4(c)(i) of the Policy. The Complainant says that the Respondent not made “a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue” either and can therefore not establish rights or legitimate interests pursuant to paragraph 4(c)(iii) of the Policy.

The redirecting of each of the disputed domain names to the Complainant’s website using the domain name <linkedin.com> also establishes that the Respondent lacks rights or legitimate interests in the disputed

domain name pursuant to paragraph 4(c)(i) of the Policy, the Complainant maintains. The Complainant points out that to its knowledge, the Respondent has never been commonly known by any of the disputed domain names and has never acquired any trademark or service mark rights in any of them, and can for that reason as well not establish rights or legitimate interests pursuant to paragraph 4(c)(ii) of the Policy. The Whois record only points to a privacy service.

The Complainant contends that its LINKEDIN trademark is widely known if not famous and therefore, in accordance with section 3.1.4 of [WIPO Overview 3.0](#), its mere inclusion in a domain name by a party unrelated to the trademark owner creates a presumption of bad faith registration. The Complainant adds that given the global reach and popularity of its LINKEDIN trademark it is inconceivable that the Respondent registered the disputed domain name without knowledge of the Complainant's activities and the name and trademark under which it does business. The Respondent clearly seeks to benefit commercially from the confusion generated by its inclusion of the Complainant's mark, and redirecting to its official website is further proof of bad faith, the Complainant maintains. Establishing MX records for each of the disputed domain names is further evidence of bad faith because it suggests that the Respondent intends to use the disputed domain names for a phishing or similar fraudulent purpose. On at least one occasion, there has been evidence that the disputed domain name <ca-linkedin.com> is being used in connection with malicious activities.

Be that as it may, the Complainant says that the Respondent in any case had at least constructive notice of the Complainant's trademark registrations, the first of which dates back 17 years, and all the more so given the extensive goodwill that attaches to its LINKEDIN marks. The Respondent has also registered four disputed domain names which supports the conclusion that he has acted in bad faith pursuant to paragraph 4(b)(ii) of the Policy, which provides that bad faith is evidenced where a registrant 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 [the registrant has] engaged in a pattern of such conduct."

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

None of the disputed domain names is strictly speaking identical to the LINKEDIN registered trademark of the Complainant. However, that mark is recognizable within each of the disputed domain names, all the more so as it is separated from the included country identifiers by a dash. This is sufficient to meet the requirements of confusing similarity, as is confirmed by section 1.7 of the [WIPO Overview 3.0](#).

Therefore, the Panel holds that each of the disputed domain names is confusingly similar to the LINKEDIN registered trademark of the Complainant.

B. Rights or Legitimate Interests

The Respondent's identity was initially hidden by a privacy service but was revealed by the Registrar. That name bears no resemblance to any of the disputed domain names, and there is nothing before the Panel to indicate that the Respondent had acquired trademark rights in the word LINKEDIN prior to the dates of registration of the disputed domain names. The Respondent did not reply to any of the Complainant's contentions and did not therefore make out any case for the recognition of rights or legitimate interests. The Respondent had no authorization from the Complainant, the undoubted owner of the distinctive and widely known LINKEDIN trademarks, to reflect those marks in disputed domain names or to pursue any other purpose. It seems that the Respondent undertook steps to configure the disputed domain names so that they could be used to impersonate the Complainant's officers and send malicious or fraudulent emails, of

which the Complainant provided evidence in relation to the <ca- linkedin.com> disputed domain name. There is no reason to believe that the purpose evidenced by the material supplied by the Complainant in relation to that disputed domain name, does not also adhere to the Respondent's registrations of the other disputed domain names here. The fact that the Respondent registered four very similar disputed domain names at about the same time further suggests a dishonest plan rather than one that would result in the recognition of rights or legitimate interests. It is in any case very difficult to imagine any use of the disputed domain names by the Respondent that would not be deceptive and thus there is no case for the recognition of rights, or of interests that are legitimate.

Therefore, the Panel holds that the Complainant has made out an un rebutted *prima facie* case that the Respondent has no rights or legitimate interests in the disputed domain names.

C. Registered and Used in Bad Faith

The LINKEDIN trademark of the Complainant has been widely known for a considerable time now, and that in many countries around the globe. At the time of registration of the disputed domain names, it is almost inconceivable that the Respondent was not aware of the Complainant's exclusive rights relevant to each of the disputed domain names. The fact alone that the Respondent registered four different country-related disputed domain names including the LINKEDIN mark further indicates that the registrations were deliberate and in the full knowledge of the Complainant's rights. If that were not the case a simple Internet search would in any case have instantly revealed the Complainant's rights, as would a search of almost any trademark register.

In terms of use in bad faith, the Respondent redirects the disputed domain names to the Complainant's official website and by doing so, has intentionally created a likelihood of confusion with the Complainant as to the source of the Respondent's activities and website. Such use supports a finding of bad faith use, see [section 3.1.4](#) of [WIPO Overview 3.0](#). Additionally, there is sufficient evidence before the Panel to allow it to conclude that the Respondent at least in part acquired the disputed domain names so as to enable him to possibly impersonate the Complainant and send phishing emails. This is a clearly dishonest activity and in bad faith, as it relies on deceiving internet users for the purpose of gaining a financial advantage to their and the Complainant's detriment. The pattern of four almost contemporaneous registrations of a very similar nature which include the LINKEDIN mark of the Complainant, each of which is seemingly adapted to a particular jurisdiction, is also indicative of bad faith.

Therefore, the Panel holds that each of the disputed domain names was registered and used in bad faith.

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 <aus-linkedin.com>, <ca-linkedin.com>, <id-linkedin.com>, <nz-linkedin.com> be transferred to the Complainant.

William A. Van Caenegem

Sole Panelist

August 24, 2023