

## **ADMINISTRATIVE PANEL DECISION**

LinkedIn Corporation v. Privacy Service Provided by Withheld for Privacy ehf/  
muhammad awais

Case No. D2022-0203

### **1. The Parties**

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

Respondent is Privacy Service Provided by Withheld for Privacy ehf, Iceland / muhammad awais, United States.

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

The disputed domain name <salesnavigator.org> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 21, 2022. On January 21, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 21, 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 Complainant on January 24, 2022 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on January 24, 2022.

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 Respondent of the Complaint, and the proceedings commenced on January 25, 2022. In accordance with the Rules, paragraph 5, the due date for Response was February 14, 2022. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on February 15, 2022.

The Center appointed Lorelei Ritchie as the sole panelist in this matter on February 17, 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**

Complainant, together with its affiliated companies (collectively "Complainant") provides global professional networking services under its LINKEDIN mark. Complainant additionally offers related products and services under the mark SALES NAVIGATOR. Complainant owns various trademark registrations for the SALES NAVIGATOR mark. These include European Union Registration No. 18456592 (registered September 7, 2021) and International Registration No. 1633286 (registered October 19, 2021). Complainant further owns the registration for the domain name <salesnavigator.com> (registered May 27, 2003).

The disputed domain name was registered on November 23, 2021. Respondent has used the URL associated with the disputed domain name to resolve to a website that appears to mimic an official website of Complainant, including by referring to the "LinkedIn Sales Navigator" service, and inviting consumers to click to purchase products and services through the links provided via the disputed domain name. Complainant has not authorized any activities by Respondent, nor any use of its trademarks thereby.

#### **5. Parties' Contentions**

##### **A. Complainant**

Complainant contends that (i) the disputed domain name is identical or confusingly similar to Complainant's trademarks, (ii) Respondent has no rights or legitimate interests in the disputed domain name; and (iii) Respondent registered and is using the disputed domain name in bad faith.

Specifically, Complainant contends that it owns the SALES NAVIGATOR mark, which Respondent has incorporated in full into the disputed domain name.

Complainant further contends that Respondent has used the disputed domain name to set up a website meant to lure in customers looking for Complainant and its "LinkedIn Sales Navigator" products and services, likely in a phishing scheme. Complainant further contends that Respondent has no rights or legitimate interest in the domain name registration or use of the disputed domain name. Rather, Complainant contends that Respondent has acted in bad faith in setting up a website, when Respondent clearly knew of Complainant's rights.

##### **B. Respondent**

Respondent did not file a reply to Complainant's contentions in this proceeding.

## 6. Discussion and Findings

### A. Identical or Confusingly Similar

The Panel must first determine whether the disputed domain name <salesnavigator.org> is identical or confusingly similar to a trademark or service mark in which Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

The Panel finds that it is.

The disputed domain name incorporates in full Complainant's SALES NAVIGATOR mark. The disputed domain name includes the Top-Level Domain ("TLD") ".org".

Typically a TLD may be disregarded for purposes of considering this first element. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Jurisprudential Overview 3.0"), section 1.11.

The Panel finds that the disputed domain name is identical or confusingly similar to a trademark in which Complainant has rights in accordance with paragraph (4)(a)(i) of the Policy.

### B. Rights or Legitimate Interests

The Panel next considers whether Complainant has shown that Respondent has no "rights or legitimate interest" as must be proven to succeed in a UDRP dispute. Paragraph 4(c) of the Policy gives examples that might show rights or legitimate interests in a domain name. These examples include: (i) use of the domain name "in connection with a *bona fide* offering of goods or services"; (ii) demonstration that respondent has been "commonly known by the domain name"; or (iii) "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."

Respondent did not reply to Complainant's contentions. Although the Panel is aware that the terms which comprise the disputed domain name, "sales" and "navigator," are dictionary terms, Respondent did not allege or otherwise provide any information that would support a finding that Respondent has rights or legitimate interests in the disputed domain name. Rather, as noted, Respondent has used the URL associated with the disputed domain name to resolve to a website that appears to mimic an official website of Complainant.

Accordingly, the Panel finds that Complainant has made a *prima facie* showing of Respondent's lack of rights or legitimate interests in the disputed domain name, in accordance with paragraph 4(a)(ii) of the Policy, which Respondent has not rebutted.

### C. Registered and Used in Bad Faith

There are several ways that a complainant can demonstrate that a domain name was registered and used in bad faith. For example, paragraph 4(b)(iv) of the Policy states that bad faith can be shown where "by using the domain name [respondent has] intentionally attempted to attract, for commercial gain, Internet users to [respondent's] web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [respondent's] website or location or of a product or service on [the] web site or location." As noted in Section 4 of this Panel's decision, Respondent has used the URL associated with the disputed domain name to resolve to a website that appears to mimic an official website of Complainant, including by referring to the "LinkedIn Sales Navigator" service, and inviting consumers to click to purchase products and services through the links provided via the disputed domain name. Respondent is thus trading on the goodwill of Complainant's trademarks to attract Internet users, presumably for Respondent's own commercial gain.

Therefore, the Panel finds that Respondent registered and used the disputed domain name in bad faith for purposes of 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 <salesnavigator.org> be transferred to Complainant.

*/Lorelei Ritchie/*

**Lorelei Ritchie**

Sole Panelist

Date: March 3, 2022