

## **ADMINISTRATIVE PANEL DECISION**

LinkedIn Corporation v. Nanci Nette  
Case No. D2023-2290

### **1. The Parties**

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

Respondent is Nanci Nette, United States of America.

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

The Disputed Domain Name <www.linkedin.com> is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 26, 2023. On May 26, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 30, 2023, 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 (Registration Private / Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on June 1, 2023, 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 June 1, 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 Respondent of the Complaint, and the proceedings commenced on June 2, 2023. In accordance with the Rules, paragraph 5, the due date for Response was June 22, 2023. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on June 26, 2023.

The Center appointed Richard W. Page as the sole panelist in this matter on June 30, 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

Founded in 2003, Complainant connects the world's professionals to make them more productive and successful. With more than 930 million members in more than 200 countries and regions, including executives from every Fortune 500 company, Complainant is one of the world's largest professional networks on the Internet.

Complainant became a public company on May 18, 2011, and traded on the New York Stock Exchange under the symbol "LNKD" until Complainant was acquired by Microsoft Corp. ("Microsoft"). When Microsoft announced its intention, on June 13, 2016, to acquire Complainant, the all-cash transaction was valued at USD 26.2 billion.

Complainant has more than 20,000 full-time employees with 36 offices in cities around the world and operates websites in 26 languages.

Complainant's global headquarters are in Sunnyvale, California, with EMEA headquarters in Dublin, and APAC headquarter in Singapore. Complainant's US 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.

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.

Complainant is the owner of a least 235 trademark registration in at least 62 jurisdictions worldwide that consist of or include the LINKEDIN Mark. These registrations include, without limitation:

- US Registration No. 3,074,241 for LINKEDIN for use in connection with, *inter alia*, "online business networking services" (registered March 28, 2006).; and
- US Registration No. 4,007,079 for LINKEDIN for use in connection with, *inter alia*, "social introduction and social networking services" (registered August 2, 2011).

The Disputed Domain Name was registered February 17, 2009 and resolves to a website which has been blocked for security reasons.

#### 5. Parties' Contentions

##### A. Complainant

Complainant contends that the Disputed Domain Name is confusingly similar to the LINKEDIN Mark, pursuant to paragraph 4(a)(i) of the Policy. Complainant further contends that the relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (*i.e.*, "wwwlinkedin"), as it is well-established that the Top-Level domain name (*i.e.*, ".com") may be disregarded for this purpose.

Complainant further contends that the second level portion of the Disputed Domain Name contains the LINKEDIN Mark in its entirety, plus the letters "www", which letters are an abbreviation for "World Wide Web" and are customarily added to the beginning of a URL containing a domain name to indicate a website. These additional letters are not distinctive.

Complainant asserts that Respondent cannot establish that she has rights or legitimate interests in the

Disputed Domain Name pursuant to paragraph 4(a)(ii) of the Policy. Complainant further asserts that Respondent is using the Disputed Domain Name in connection with a so-called “tech support scam” that redirects Internet users to a website that falsely informs them they have encountered “Trojan Spyware” and that they should contact a fake “Apple System Security Center” at a telephone number displayed on the website.

Complainant further asserts that Respondent has configured MX records for the Disputed Domain Name, enabling Respondent to send and receive email with addresses that use the Disputed Domain Name.

Complainant further asserts that two security vendors have flagged the Disputed Domain Name as malicious, one of which reports that it is being used in connection with phishing activities. According to a report from VirusTotal, a service that analyses files and URLs for viruses, worms, trojans, and other kinds of malicious content, Respondent’s website is involved in phishing.

Complainant further asserts that Complainant has never assigned, granted, licensed, sold, transferred or in any way authorized Respondent to register or to use the LINKEDIN Mark in any manner.

Complainant further asserts that Respondent is using the Disputed Domain Name in connection with a phishing scheme and other malicious activities. Such activities mean that Respondent has not used the Disputed Domain Name in connection with a *bona fide* offering of goods or services and, therefore, cannot establish rights or legitimate interests in the Disputed Domain Name. Nor has Respondent made a legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the LINKEDIN Mark.

Complainant further asserts that Respondent has never been commonly known by the Disputed Domain Name and has never acquired any trademark or service mark rights.

Complainant alleges that Respondent has registered and is using the Disputed Domain Name in bad faith, pursuant to paragraph 4(a)(iii) of the Policy. Complainant further alleges that the only plausible explanation of what has happened is that Respondent’s motive in registering and using the Disputed Domain Name is to disrupt Complainant’s relationship with its customers or potential customers or to attempt to attract Internet users for potential gain.

Complainant further alleges that, given that Complainant has had established rights in the LINKEDIN Mark for 20 years and Complainant’s large trademark portfolio, Respondent’s actions suggest “opportunistic bad faith.” In light of the long history of the LINKEDIN Mark and Complainant’s significant international presence and brand recognition, it is more likely than not that Respondent knew of the LINKEDIN Mark and sought to obtain a commercial benefit by attracting Internet users based on that confusion.

Complainant further alleges that Complainant registered the LINKEDIN Mark three years before Respondent registered the Disputed Domain Name. Therefore, Respondent had actual and/or constructive knowledge of Complainant’s rights in the LINKEDIN Mark.

Complainant further alleges that illegitimate activity such as phishing is manifestly considered evidence of bad faith.

Complainant further alleges that WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 3.4 states use of a domain name for purposes other than to host a website may constitute bad faith, such as sending deceptive email or phishing, especially where the use is to solicit payment of fraudulent invoices by Complainant’s actual or prospective customers. Complainant further alleges that Respondent is a repeat cybersquatting offender.

## **B. Respondent**

Respondent did not reply to Complainant’s contentions.

## 6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: “A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable.”

Even though Respondent has failed to file a Response or to contest Complainant’s assertions, the Panel will review the evidence proffered by Complainant to verify that the essential elements of the claims are met. See section 4.3 of the [WIPO Overview 3.0](#).

Paragraph 4(a) of the Policy directs that Complainant must prove each of the following:

- i) that the Disputed Domain Name registered by Respondent is identical or confusingly similar to the LINKEDIN Mark in which Complainant has rights; and,
- ii) that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and,
- iii) that the Disputed Domain Name has been registered and is being used in bad faith.

### A. Identical or Confusingly Similar

Section 1.2.1 of the [WIPO Overview 3.0](#) states that registration of a trademark is *prima facie* evidence of Complainant having enforceable rights in the LINKEDIN Mark.

Complainant has produced evidence of numerous registrations of the LINKEDIN Mark and Respondent has not contested these assertions.

Therefore, the Panel finds that, for purposes of this proceeding, Complainant has established enforceable rights in the LINKEDIN Mark.

Section 1.7 of the [WIPO Overview 3.0](#) says that inclusion of the entire trademark in a domain name will be considered confusingly similar. Section 1.8 of the [WIPO Overview 3.0](#) instructs that the addition of other terms (whether descriptive, geographical, pejorative, meaningless or otherwise) does not prevent a finding of confusing similarity. Section 1.11.1 of the [WIPO Overview 3.0](#) instructs that gTLDs such as (“.com”) may be disregarded for purposes of assessing confusing similarity.

The Panel finds that the entirety of the LINKEDIN Mark is included in the Disputed Domain Name, that the additions of the letters “www” does not prevent a finding of confusing similarity, and that the gTLD “.com” can be ignored.

Therefore, the Panel finds that Complainant has met the requirement of paragraph 4(a)(i) of the Policy.

### B. Rights or Legitimate Interests

Complainant contends that Respondent has no rights or legitimate interests in the Disputed Domain Name pursuant to paragraph 4(a)(ii) of the Policy.

Section 2.1 of the [WIPO Overview 3.0](#) states that once Complainant makes a *prima facie* case in respect of the lack of rights or legitimate interests of Respondent, Respondent carries the burden of demonstrating she has rights or legitimate interests in the Disputed Domain Name. Where Respondent fails to do so, Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

The Policy paragraph 4(c) of the Policy allows three nonexclusive methods for the Panel to conclude that Respondent has rights or legitimate interests in the Disputed Domain Name:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a *bona fide* offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Disputed Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the LINKEDIN Mark.

Complainant asserts that Respondent is using the Disputed Domain Name in connection with a so-called “tech support scam” that redirects Internet users to a website that falsely informs them they have encountered “Trojan Spyware” and that they should contact a fake “Apple System Security Center” at a telephone number displayed on the website. Complainant further asserts that Respondent has configured MX records for the Disputed Domain Name, enabling Respondent to send and receive email with addresses that use the Disputed Domain Name.

Complainant further asserts that two security vendors have flagged the Disputed Domain Name as malicious, one of which reports that it is being used in connection with phishing activities. According to a report from VirusTotal, a service that analyses files and URLs for viruses, worms, trojans, and other kinds of malicious content, Respondent’s website is involved in phishing.

Complainant further asserts that Complainant has never assigned, granted, licensed, sold, transferred or in any way authorized Respondent to register or to use the LINKEDIN Mark in any manner.

Complainant further asserts that Respondent is using the Disputed Domain Name in connection with a phishing scheme and other malicious activities. Such activities mean that Respondent has not used the Disputed Domain Name in connection with a *bona fide* offering of goods or services and, therefore, cannot establish rights or legitimate interests in the Disputed Domain Name. Nor has Respondent made a legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the LINKEDIN Mark.

Complainant further asserts that Respondent has never been commonly known by the Disputed Domain Name and has never acquired any trademark or service mark rights.

The Panel finds that these assertions establish a *prima facie* case that Respondent lacks rights and legitimate interests in the Disputed Domain Name. Respondent has not contested these assertions.

Therefore, the Panel finds that Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

### **C. Registered and Used in Bad Faith**

Complainant contends that Respondent registered and is using the Disputed Domain Name in bad faith in violation of paragraph 4(a)(iii) of the Policy.

Paragraph 4(b) of the Policy sets forth four nonexclusive criteria for Complainant to show bad faith registration and use of the Disputed Domain Name:

- i) circumstances indicating that you [Respondent] have registered or you have acquired the Disputed Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Disputed Domain Name registration to Complainant who is the owner of the LINKEDIN Mark or to a competitor of Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the Disputed Domain Name; or

- ii) you [Respondent] have registered the Disputed Domain Name in order to prevent the owner of the LINKEDIN Mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or
- iii) you [Respondent] have registered the Disputed Domain Name primarily for the purpose of disrupting the business of a competitor; or
- iv) by using the Disputed Domain Name, you [Respondent] have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the LINKEDIN Mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product on your website or location.

The four criteria set forth in paragraph 4(b) of the Policy are nonexclusive. See, *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#). In addition to these criteria, other factors alone or in combination can support a finding of bad faith.

Such additional factors include illegitimate activity such as phishing (Section 3.1.4 of the [WIPO Overview 3.0](#)); actual or constructive knowledge (Section 3.2.2 of the [WIPO Overview 3.0](#)); and a malicious website (Section 3.4 of the [WIPO Overview 3.0](#)).

The Panel finds that Complainant has established the requirements of paragraph 4(b)(iv) of the Policy and that additional factors of phishing, constructive knowledge and a malicious website are present.

Therefore, Complainant has established the requirements 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, <www.linkedin.com>, be transferred to Complainant.

*/Richard W. Page/*  
**Richard W. Page**  
Sole Panelist  
Date: July 4, 2023