

ADMINISTRATIVE PANEL DECISION

LinkedIn Corporation v. pix data
Case No. D2024-1474

1. The Parties

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

The Respondent is pix data, Brazil.

2. The Domain Name and Registrar

The disputed domain name <linkedinbot.net> is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 8, 2024. On April 8, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 9, 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 (Domain Admin / Privacy Protect, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 9, 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 April 10, 2024.

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 April 10, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 30, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 2, 2024.

The Center appointed Andrew Brown K.C. as the sole panelist in this matter on May 15, 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

The Complainant is a corporation incorporated in Delaware, United States of America. It was founded in 2003 and is headquartered in California, United States of America. It became a public company on May 18, 2011, and was acquired by Microsoft Corporation in 2016.

The Complainant provides a platform, under the trademark LINKEDIN, for connecting the world's professionals. The Complainant has 19,400 employees and 36 offices in cities around the world. It operates websites in 26 languages.

The Complainant (or one of its affiliates) is the owner of 318 trademark registrations in 71 jurisdictions that consist of or include the LINKEDIN trademark. The most relevant registrations (the LINKEDIN Trademark) are:

Country	Number	Mark	Registration Date	Services
United States of America	3,074,241	LINKEDIN	March 28, 2006	Online business networking services
United States of America	4,007,079	LINKEDIN	August 2, 2011	Social introduction and social networking services
European Union	4,183,893	LINKEDIN	July 24, 2006	Online business networking services
International Registration	1,368,414	LINKEDIN	April 27, 2017	Educational services....

The Complainant is the registrant of a number of domain numbers incorporating the LINKEDIN Trademark including <linkedin.com> registered on November 2, 2002.

The disputed domain name was registered by the Respondent on December 22, 2023. The disputed domain name resolves to a website that provides affiliate links for services that purportedly allow users to “[t]ransform [their] LinkedIn experience with automation tools tailored for B2B sales, businesses of all sizes, recruitment efforts, and job seekers” by using “top-ranked LinkedIn bots.”

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant contends that the disputed domain name is identical to or confusingly similar to its LINKEDIN Trademark in which it claims rights. It asserts that its LINKEDIN Trademark is distinctive and well-known.

The Complainant says that the second level protection of the disputed domain name contains the LINKEDIN Trademark in its entirety plus the word “bot”.

The Complainant states that the Respondent has no rights or legitimate interests in the disputed domain name. In particular, it asserts that:

- (a) the Complainant never assigned, granted, licensed, sold or transferred or in any way authorized the Respondent to register or use the LINKEDIN Trademark in any manner;
- (b) by promoting services or products that falsely appear to be associated with the Complainant, the Respondent cannot demonstrate rights or legitimate interests under the Policy;
- (c) the Respondent has never used or made preparations to use the disputed domain name in conjunction with the bona fide offering of goods or services;
- (d) 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;
- (e) the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly direct consumers or to tarnish the trademark or service mark at issue. The Respondent's website at the disputed domain name "misleadingly directs consumers" under the doctrine of initial interest confusion.

Finally, the Complainant asserts that the disputed domain name was registered and is being used in bad faith. The Complainant states that the Respondent's motive in registering the disputed domain name seems to have been to disrupt the Complainant's relationship with its customers or attempt to attract Internet users for potential gain.

The Complainant relies on the Respondent's use of the disputed domain name in a manner that violates the terms of service which the Respondent has published in its User Agreement on its website.

B. Respondent

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

6. Discussion and Findings

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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["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 namely rights in its LINKEDIN Trademark.

The entirety of the Complainant's LINKEDIN Trademark is reproduced within the disputed domain name. The disputed domain name with the addition of "bot" is confusingly similar to the Complainant's LINKEDIN Trademark for the purpose of the Policy, [WIPO Overview 3.0](#), section 1.7.

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.

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.

In the present case, the Panel finds that the disputed domain name was registered in bad faith for the following reasons:

(a) The Panel finds that the Complainant’s LINKEDIN Trademark is well-known and distinctive and had achieved this level of consumer awareness well before the date of registration of the disputed domain name on December 22, 2023. In this regard the Panel notes the finding of an earlier panel in 2016 in *LinkedIn Corporation v Contact Privacy Inc. Customer 0138656558/Scott Offord, Bytes and Sites Inc.*, WIPO Case No. [D2016-1171](#) (“[t]he Complainant’s LINKEDIN mark is distinctive and well-known”).

(b) The combination of the Complainant’s well-known LINKEDIN Trademark and the additional word “bot” in the disputed domain name clearly shows that the Respondent well knew of the Complainant’s mark when registering the disputed domain name. As discussed in the next section, there is evidence that the Respondent has sought to obtain a commercial benefit by attracting to its domain name Internet users who will be confused into thinking that its disputed domain name is connected with the Complainant.

The Panel is also satisfied that the Respondent is using the disputed domain name in bad faith for the following reasons:

(a) The website at the disputed domain name promotes the use of automation tools and bots to scrape the Services and user profiles. It states that the Respondent’s services allow users to “[t]ransform your LinkedIn experience with automation tools tailored for B2B sales, business of all sizes, recruitment efforts and jobseekers.” “We guide you to top-ranked LinkedIn bots”. The Panel is satisfied that Internet users will be confused into thinking that these LinkedIn bots are connected with or provided by the Complainant when this is not the case.

(b) The Panel is satisfied that the Respondent registered and used the disputed domain name to intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s trademark.

(c) The Panel is entitled to draw adverse inferences from the failure of the Respondent to respond to the detailed Complaint and the factual allegations made by the Complainant.

Based on the available record, 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 <linkedinbot.net> be transferred to the Complainant.

/Andrew Brown K.C./

Andrew Brown K.C.

Sole Panelist

Date: May 22, 2024