

ADMINISTRATIVE PANEL DECISION

Seaboard Corporation v. deeee sswwww, seaboard
Case No. D2025-0199

1. The Parties

The Complainant is Seaboard Corporation, United States of America (“United States”), represented by Hovey Williams LLP, U.S.

The Respondent is deeee sswwww, seaboard, United States.

2. The Domain Name and Registrar

The disputed domain name <seaboardcorps.com> 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 17, 2025. On January 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 20, 2025, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 21, 2025, 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 amended Complaint on January 24, 2025.

The Center verified that the Complaint together with the amended 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 January 28, 2025. In accordance with the Rules, paragraph 5, the due date for Response was February 17, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 18, 2025.

The Center appointed Michelle Brownlee as the sole panelist in this matter on February 21, 2025. 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 global food, energy, and transportation company that was founded in 1918 as Seaboard Flour Co., then later merged with Hathaway Industries in 1959, becoming a publicly traded corporation, organized under the laws of Delaware, United States under the name Seaboard Corporation. The Complainant is a provider of meat as well as shipping, supply chain logistics and warehousing services.

The Complainant owns numerous registrations in jurisdictions throughout the world for the SEABOARD word and logo marks and for other marks that include the word SEABOARD, including the following registrations:

United States Registration Number 2246196 for the mark SEABOARD in connection with goods in class 29, registered on May 18, 1999;

United States Registration Number 2991520 for the mark SEABOARD in connection with goods in class 29, registered on September 6, 2005; and

United States Registration Number 2318058 for the mark SEABOARD MARINE in connection with services in class 39, registered on February 15, 2000.

The Complainant owns the domain name <seaboardcorp.com> and uses it to operate its corporate website.

The disputed domain name was registered on January 2, 2025. On January 7, 2025, the disputed domain name was used to send an email message with an email address that incorporated the name of a former employee of the Complainant inquiring to a reseller of the Complainant about the possible purchase of laptop computers.

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 confusingly similar to the Complainant's SEABOARD mark, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the Respondent registered and is using the disputed domain name in bad faith by sending fraudulent communications that misrepresent that the communications originate from the Complainant. The Complainant stated that the disputed domain name redirects to the Complainant's website at the domain name <seaboardcorp.com>.

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.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "corps," may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation of a former employee of the Complainant for fraudulent purposes can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 notes that the Respondent used the disputed domain name to send an email message that appeared to be from an employee of the Complainant for the apparent purpose of defrauding the recipient of the message. The Complainant stated that the Respondent also caused the disputed domain name to redirect to the Complainant's website. The Panel finds that this is bad faith under paragraph 4(b)(iv) of the Policy in that the Respondent used the disputed domain name, which is nearly identical to the domain name associated with the Complainant's business, to create a likelihood of confusion with the Complainant's mark for the purpose of commercial gain.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation of an employee of the Complainant for fraudulent purposes constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. 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 <seaboardcorps.com> be transferred to the Complainant.

/Michelle Brownlee/

Michelle Brownlee

Sole Panelist

Date: March 7, 2025