

ADMINISTRATIVE PANEL DECISION

International Business Machines Corporation v. John Palmer, ibmdatacenter
Case No. D2026-0817

1. The Parties

The Complainant is International Business Machines Corporation, United States of America (“US”), internally represented.

The Respondent is John Palmer, ibmdatacenter, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <ibmdatacenters.com> is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 25, 2026. On February 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 26, 2026, 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 (John Doe) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 27, 2026, 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 February 27, 2026.

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 March 4, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 24, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 25, 2026.

The Center appointed Christiane Féral-Schuhl as the sole panelist in this matter on April 1, 2026. 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, a company incorporated in 1911, is one of the world-famous manufacturers of computers and computer-related goods and services throughout the world. The Complainant promotes its business at the website “www.ibm.com”.

The Complainant is the owner of numerous registered trademarks incorporating the initials of its company name all over the world, including the following marks (the “IBM Trademarks”):

- the US trademark IBM, No. 4181289, registered on July 31, 2012, for goods and services in classes 9, 16, 18, 20, 21, 22, 24, 25, 28, 35, and 41;
- the US trademark IBM, No. 3002164, registered on September 27, 2005, for goods in class 9;
- the US trademark IBM, No. 1696454, registered on June 23, 1992, for services in class 36.

The disputed domain name was registered on June 18, 2025, and resolves to a website impersonating the Complainant by reproducing the Complainant’s logo and trademarks, and text and images from the Complainant’s website, and purportedly offering consulting services.

The Complainant tried to contact the Respondent via the Registrar on June 20, 2025, through a cease-and-desist letter, and on February 10, 2026, through a reminder to the cease-and-desist letter sent to the Registrar but did not receive any reply.

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 its IBM Trademarks. The Complainant highlights that the addition of the term “data centers” to its IBM Trademarks further suggests an association with the Complainant and its various data centers.

Then, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name since the Complainant has never licensed, contracted, or otherwise permitted anyone to apply to register the disputed domain name. The Complainant also submits that there is no evidence that the Respondent is using the disputed domain name incorporating the IBM Trademarks for a bona fide offering of goods or services, nor is there any evidence of fair use. The Complainant underlines that the Respondent impersonates the Complainant and derives illegitimate commercial gain. Furthermore, the Complainant points out that the Respondent configured an email server on the disputed domain name, which can indicate an intention to potentially use the disputed domain name for constructing an email composition containing the disputed domain name, to be used for deceiving purposes.

Finally, the Complainant submits that the disputed domain name was registered and is being used in bad faith. The Complainant highlights that the disputed domain name, registered at least 67 years after the Complainant established registered trademarks rights in the IBM Trademarks, comprises the world-famous IBM trademark followed by the descriptive term “data centers”. The Complainant contends that the Respondent was well aware of the Complainant’s trademarks at the time the Respondent registered the disputed domain name, since the disputed domain name resolves to a website displaying the IBM Trademarks, and displaying texts and images copied from the Complainant’s website. The Complainant asserts the Respondent is using the disputed domain name to impersonate the Complainant and generate illegitimate commercial gain. The Complainant also states that the contact address for an IBM Data Centers displayed on the Respondent’s website is not associated with the Complainant or any of its facilities, creating a substantial risk that visitors of the disputed domain name’s webpage might disclose personal information, business inquiries, or potentially sensitive data under the mistaken impression that they are engaging with the Complainant.

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 Select UDRP Questions ([“WIPO Overview 3.1”](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 3.1](#), section 1.7.

Although the addition of other terms here, “data centers” 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 3.1](#), 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 that 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 3.1](#), 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.

Indeed, the Respondent has not received any license or authorization to use the IBM Trademarks in any manner. Moreover, considering the nature of the disputed domain name and its use, the Panel finds that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services. Even where a domain name consists of a trademark plus an additional term, UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.1](#), section 2.5. Here, the addition of other term "data centers", indicating services related to the Complainant, and the fact that the disputed domain name resolves to a website impersonating the Complainant by using the Complainant's trademark and logo, and text and images from the Complainant's website shows that the Respondent has targeted the Complainant, its trademark, and its business. Therefore, the Panel finds that the composition of the disputed domain name carries a risk of implied affiliation, and the Respondent's conduct cannot be considered as a legitimate noncommercial or fair use of the disputed domain name nor a bona fide offering of goods or services.

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 has targeted the IBM Trademarks when registering the disputed domain name, with the intention to confuse Internet users and capitalize on the fame of the Complainant's trademark.

Having reviewed the record, the Panel holds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the website.

Furthermore, paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

Indeed, the Panel notes that the Complainant has demonstrated that the disputed domain name has been set up with mail exchange ("MX") records, suggesting an intention to use the disputed domain name for illegal purposes. Even if the record in this case contains no evidence of sending fraudulent emails, the Panel considers that the configuration of MX records presents the potential for an email phishing scheme impersonating the Complainant, especially in view of the use of the disputed domain name for a website which uses the Complainant's trademark and logo, and text and images from the Complainant's website.

Also noting the circumstances discussed under the second element of this Decision, 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 <ibmdatacenters.com> be transferred to the Complainant.

/Christiane Féral-Schuhl/

Christiane Féral-Schuhl

Sole Panelist

Date: April 9, 2026