

## **ADMINISTRATIVE PANEL DECISION**

LinkedIn Corporation v. Registration Private, Domains By Proxy, LLC / Daa Elbashir

Case No. D2022-3180

### **1. The Parties**

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

The Respondent is Registration Private, Domains By Proxy, LLC, United States / Daa Elbashir, United States.

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

The disputed domain name <collections-linkedin.com> is registered with Wild West Domains, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 29, 2022. On August 29, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 29, 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 the Complainant on August 30, 2022, 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 September 5, 2022.

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 September 6, 2022. In accordance with the Rules, paragraph 5, the due date for Response was September 26, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 27, 2022.

The Center appointed William F. Hamilton as the sole panelist in this matter on September 29, 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**

The Complainant was founded in 2003 and has grown to become one of the world's largest online professional networks. The Complainant has more than 19,000 full-time employees and operates in 36 cities around the world in 26 languages.

The Complainant owns numerous domain names, including <linkedin.com>, which was registered on November 2, 2002.

The Complainant obtained Registration No. 3,074,241 for the mark LINKEDIN (the "Mark") with the United States Patent and Trademark Office on March 28, 2006. The Complainant contends that it currently owns at least 235 trademark registrations in at least 62 jurisdictions around the world.

The disputed domain name was registered on June 14, 2022. The disputed domain name does not resolve to an active website; however, the Respondent has configured mail exchanger ("MX") records for the disputed domain name that enable the Respondent to send and receive email with addresses in connection with the disputed domain name.

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

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

The Complainant asserts that the disputed domain name is confusing similar to the Mark because the Mark is a prominent part of the disputed domain name preceded only by the dictionary word "collections".

The Complainant asserts the Respondent has no rights or legitimate interests in the Mark. The Complainant asserts that the Complainant never authorized the Respondent to use the disputed domain name, that the Respondent is not generally known by the disputed domain name, and that the Respondent has never engaged in any *bona fide* commercial activity in connection with the disputed domain name.

The Complainant further asserts that the Respondent has registered and used the disputed domain name in bad faith as part of a likely fraudulent scheme utilizing emails associated with the disputed domain name. The Complainant asserts that the Respondent's bad faith is evidenced by the adoption of the Mark into a disputed domain name designed to create the false impression that the disputed domain name is associated or affiliated with the Complainant.

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

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

#### **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, to succeed the Complainant must satisfy the Panel that:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name was registered and is being used in bad faith.

#### **A. Identical or Confusingly Similar**

The Panel finds that the disputed domain name is confusing similar to the Complainant's Mark. The Complainant's Mark is clearly recognizable in the disputed domain name. A domain name which wholly incorporates a complainant's well-known registered mark is sufficient to establish confusingly similarity for the purposes of the Policy. The addition to the Mark of a word or words as a prefixes or suffixes does not prevent a finding of confusing similarity. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7; *Nomura International Plc / Nomura Holdings, Inc. contre Global Domain Privacy / Nicolas Decarli*, WIPO Case No. [D2016-1535](#). See [WIPO Overview 3.0](#), section 1.8 ("where the relevant trademark is recognizable with the disputed domain name, the addition of other terms (whether descriptive, geographic, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element"); *PepsiCo, Inc. v. Henry Chan*, WIPO Case No. [D2004-0033](#); *Bellsouth Intellectual Property Corporation v. Netsolutions Proxy Services*, WIPO Case No. [D2005-0169](#).

The inclusion of a hyphen in the disputed domain name is irrelevant for purposes of the Policy, because the presence or absence of "punctuation marks such as hyphens cannot on their own avoid a finding of confusing similarity." *Six Continents Hotels, Inc. v. Helen Siew*, WIPO Case No. [D2004-0656](#).

The generic Top-Level Domain ("gTLD") of the disputed domain name, in this case ".com", may also be disregarded for the purposes of assessment under the first element, as it is viewed as a standard registration requirement. See [WIPO Overview 3.0](#), section 1.11.1; *Monster Energy Company, a Delaware Corporation v. J.H.M. den Ouden*, WIPO Case No. [D2016-1759](#).

The Complainant has met its burden under paragraph 4(a)(i) of the Policy.

#### **B. Rights or Legitimate Interests**

The facts and circumstances presented to the Panel demonstrate that the Respondent does not have any rights or legitimate interests in the disputed domain name.

The Complainant has specifically disavowed providing the Respondent with permission to use the disputed domain name or the Mark. The Respondent is not affiliated with the Complainant in any way and does not have any business relationship with the Complainant. There is no evidence that the Respondent has conducted any *bona fide* business under the disputed domain name or is commonly known by the disputed domain name.

The Complainant has thus established a *prima facie* case in its favor, which shifts the burden of production on this point to the Respondent. The Respondent, however, has failed to come forth with any evidence showing any rights or legitimate interests in the disputed domain name. *Compagnie de Saint Gobain v. Com-Union Corp.*, WIPO Case No. [D2000-0020](#).

Furthermore, the disputed domain name carries a risk of implied affiliation with the Complainant. See [WIPO Overview 3.0](#), section 2.5.1. The Complainant's well-known trademark is readily recognizable in the disputed domain name, and moreover the association of the word "collections" attached to the Mark may suggest, *e.g.*, that emails utilizing the disputed domain name have come from a financial department of the Complainant.

The Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

### C. Registered and Used in Bad Faith

The Panel finds the disputed domain name was registered and is being used in bad faith.

Under paragraph 4(b) of the Policy, bad faith may be established by any one of the following scenarios:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

On the evidence presented, the disputed domain does not resolve to an active website, but MX records were configured utilizing the disputed domain name. The utilization of a disputed domain name in connection with a fraudulent email scheme is paradigmatic bad faith registration and use. *Pfizer Inc. v. Sarthak Kapoor*, WIPO Case No. [D2019-0292](#); *Desko GmbH v. Mustafa Mashari*, WIPO Case No. [D2015-0817](#). Here, the activation of MX records supports an inference of bad faith. Nothing in the record suggests that the Respondent has any legitimate interest in sending emails from the disputed domain name, which prominently incorporates the Complainant's well-known trademark. Rather, the Complainant plausibly contends that the activation of MX servers in this case carries a risk that the Respondent is sending or will send email correspondence in furtherance of a fraudulent scheme.

Indeed, the fact that the disputed domain name does not resolve to an active website buttresses a conclusion of bad faith registration and use due to the high potential for misuse associated with the disputed domain name. *British American Tobacco (Brands) Limited v. Contact Privacy Inc. Customer 0163501448 / James Onuoha Doe, Bat Corps*, WIPO Case No. [D2022-1353](#); see [WIPO Overview 3.0](#), section 3.3. The inference of bad faith is especially strong in the case given the fact that the Mark is distinctive and known worldwide. *LinkedIn Corporation v. Contact Privacy Inc. Customer 0138656558 / Scott Offord, Bytes and Sites Inc*, WIPO Case No. [D2016-1171](#). Additionally, the Respondent's failure to respond to the Complaint further supports an inference of bad faith registration and use in the circumstances of this case. *The Argento Wine Company Limited v. Argento Beijing Trading Company*, WIPO Case No. [D2009-0610](#).

Even disregarding the foregoing analysis, it is difficult to conceive of any use that the Respondent might make of the disputed domain name without the Complainant's consent that would not involve bad faith. *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); *Verner Panton Design v. Fontana di Luce Corp*, WIPO Case No. [D2012-1909](#) ("where the reputation of a complainant in a given mark is significant and the mark bears strong similarities to the disputed domain name, the likelihood of confusion is such that bad faith may be inferred"); *DPDgroup International Services GmbH & Co. KG v. Wise One, Wilson TECH*, WIPO Case No. [D2021-0109](#); *Monster Energy Company v. PrivacyDotLink Customer 116709 / Ferdinand Nikolaus Kronschnabl*, WIPO Case No. [D2016-1335](#).

The Complainant has met its burden under 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 <collections-linkedin.com> be transferred to the Complainant.

*/William F. Hamilton/*

**William F. Hamilton**

Sole Panelist

Date: October 11, 2022