

ADMINISTRATIVE PANEL DECISION

Archer-Daniels-Midland Company v. Repossessed by Go Daddy
Case No. D2024-2189

1. The Parties

Complainant is Archer-Daniels-Midland Company, United States of America (“United States”), represented by Innis Law Group LLC, United States.

Respondent is Repossessed by Go Daddy, United States.

2. The Domain Name and Registrar

The disputed domain name <adm-part.com> (hereinafter “Disputed Domain Name”) 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 28, 2024. On May 29, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On May 29, 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 originally named Respondent (“unknown”) and contact information in the Complaint. On May 31, 2024, the Center sent an email informing Complainant that the Registrar had informed the Center that the Disputed Domain Name “may be available for registration,” and that “[b]ecause the domain name <adm-part.com> has been repossessed, we are willing to hand over the domain to the complainant via an approved settlement.” On June 5, 2024, Complainant advised the Center that it was “still interested in proceeding with this case, as we would like to receive a final decision based on the merits from the Panel.”

The Center sent an email communication to Complainant on June 10, 2024, 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 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 Respondent of the Complaint, and the proceedings commenced on June 11, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 1, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on July 2, 2024.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on July 9, 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

Complainant was founded in 1902, and owns more than 800 facilities worldwide, employing over 38,000 people. In 2023, worldwide net sales of Complainant were USD 93 billion. Although it was originally a food and ingredients company, its business areas also now include printing and publishing, financial and business management services, fuel production, logistics services (agricultural storage and transportation services) and research and development services. Complainant maintains its global presence online, via various websites. Consumers can use Complainant's services online to make bids on commodities, such as grains, and to learn more about the futures brokerage industry so that they can make informed decisions to better their portfolios. Customers can also use services online to gain access to its various trading platforms, stock quotes, stock charts, and other stock related news.

Complainant owns registrations for the trademark ADM (hereinafter the "Mark"), including:

- United States Registration No. 1,386,430 (registered March 18, 1986); and
- European Union Trade Mark No. 000913194 (registered on February 15, 2001).

On its website at "www.adm.com", Complainant uses a logo consisting of a design of a green leaf and the stylized letters ADM in blue (the "ADM logo").

Respondent, an entity associated with the Registrar GoDaddy.com LLC,¹ was not the person or entity that performed the actions that triggered these proceedings. Instead, Respondent repossessed the Disputed Domain Name from unidentified² persons or entities who had registered and used the Disputed Domain Name as a replacement for a similar domain name that was the subject of a prior proceeding challenging the impersonation of Complainant in fraudulent communications with potential suppliers to Complainant.

The beginning of the fraudulent scheme is recounted in *Archer-Daniels-Midland Company v. ABBVIE Inc*, WIPO Case No. [D2024-0737](#), which concerned the domain name <adm-project.com>. Someone purporting to work for Complainant sent an email based on the <adm-project.com> domain name to purchase products from a third party. The email included Complainant's full name, logos (including ® symbol), and headquarters' address. The third party reported the communications to Complainant, which then commenced an UDRP action to stop Respondent's use of the <adm-project.com> domain name and obtained a transfer order on April 18, 2024, based on a finding of fraudulent impersonation. *Archer-Daniels-Midland Company v. ABBVIE Inc*, *supra*.

About three weeks later, on May 8, 2024, the Disputed Domain Name at issue here was registered, merely changing "-project" to "-part" in the Disputed Domain Name. Someone using the name of a Complainant's

¹ The record does not include information that clarifies the nature of "Repossessed by Go Daddy."

² Meaning on this record.

employee” and purporting to work for Complainant’s “Global Supply Chain & Procurement”³ sent a series of emails to a third-party supplier requesting that the supplier “set up an account” for Complainant and also that the supplier provide (“quote”) an offering price for industrial products to be sold to Complainant. The email messages included Complainant’s full name, logos (including ® symbol), and headquarters’ address. The earlier emails in the sequence use the domain name at issue in *Archer-Daniels-Midland Company v. ABBVIE Inc*, *supra*. The latter emails in the series that were sent after the transfer order, *supra*, switch to an address based on the Disputed Domain Name. The entire string reflects a continuous effort to use the fraudulent communications to induce the third-party supplier to set up an account in the name of Complainant, but routed to the Disputed Domain Name.

Complainant responded by filing the instant proceeding, alleging, as noted above, that the registrant was “unknown.” In response to the Center’s request for Registrar verification, the Registrar responded that the registrant was “Repossessed by Go Daddy,” but supplied no information about the identity of the prior registrant from whom it had repossessed the Disputed Domain Name and who, importantly, was responsible for the fraudulent communications described above. The Registrar did, however, offer to transfer the Disputed Domain Name to Complainant pursuant to a settlement agreement, but Complainant asked for a Panel decision on the merits.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

B. Respondent

Respondent did not reply to Complainant’s contentions.

6. Discussion and Findings

“Where parties to a UDRP proceeding have not been able to settle their dispute prior to the issuance of a panel decision using the ‘standard settlement process’ described above, but where the respondent has nevertheless given its consent on the record to the transfer (or cancellation) remedy sought by the complainant, many panels will order the requested remedy solely on the basis of such consent. In such cases, the panel gives effect to an understood party agreement as to the disposition of their case (whether by virtue of deemed admission, or on a no-fault basis)”. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 4.10. The Panel finds that this is appropriate case to rely on a stated consent (here by the Registered Name Holder) to order a transfer of the Disputed Domain Name. See *Instagram, LLC v. Repossessed by Go Daddy*, WIPO Case No. [D2023-0544](#).

In addition, the Panel finds that there is no doubt that Complainant owns valid and existing trademark rights in the Mark, that the Disputed Domain Name is confusingly similar to the Mark, and that Respondent has no rights or legitimate interests in the Disputed Domain Name. The evidence also shows that the unidentified registrant from whom GoDaddy repossessed the Disputed Domain Name was conspiring with the ABBVIE Inc registrant to continue the fraudulent impersonation of Complainant when it registered and used the Disputed Domain Name in bad faith as confusingly similar replacement for the prior domain name that was ordered transferred in *Archer-Daniels-Midland Company v. ABBVIE Inc*, WIPO Case No. [D2024-0737](#).

³ The record does not indicate whether Complainant has such a department.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, and the Registered Name Holder's express consent, the Panel orders that the Disputed Domain Name <adm-part.com> be transferred to Complainant.

/Lawrence K. Nodine/

Lawrence K. Nodine

Sole Panelist

Date: July 23, 2024