

ADMINISTRATIVE PANEL DECISION

Archer-Daniels-Midland Company v. Tania Williams
Case No. D2024-4658

1. The Parties

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

The Respondent is Tania Williams, United States.

2. The Domain Name and Registrar

The disputed domain name <admsnutrients.com> is registered with Name.com, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 12, 2024. On November 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 13, 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 (Redacted For Privacy, Domain Protection Services, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 15, 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 November 15, 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 November 29, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 19, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 4, 2025.

The Center appointed Gregory N. Albright as the sole panelist in this matter on January 9, 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, Archer-Daniels-Midland Company, widely known as “ADM,” was founded in 1902. It serves 200 countries; owns more than 800 facilities worldwide; employs over 38,000 people; and is one of the world’s leading agribusinesses. It had \$93 billion in net sales worldwide in 2023.

The Complainant asserts it owns the ADM mark, which it adopted and has continuously used in the United States since at least 1923. In addition to numerous trademark registrations in other jurisdictions, the Complainant owns trademark registrations in the United States, including for example: (1) Reg. No. 2,766,613, registered September 23, 2003, in International Classes 16, 35, 36, and 42; (2) Reg. No. 2,301,968 registered December 21, 1999 in International Class 5; and (3) Reg. No. 1,386,430 registered March 18, 1986, in International Classes 1, 4, 12, 16, 29, 30, 31, 33, and 39.

The Complainant is also the owner of the domain name <adm.com>.

The disputed domain name was registered on September 11, 2024. It does not resolve to an active webpage. However, the Complainant provided evidence of email communications sent via an email address associated with the disputed domain name.

5. Parties’ Contentions

A. Complainant

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

Notably, the Complainant asserts that it has owned rights in the ADM mark for many decades, and it owns many trademark registrations for the mark around the world. The Complainant also asserts that the disputed domain name is confusingly similar to the ADM mark because: (1) the disputed domain name incorporates the entirety of the ADM mark; (2) the “adm” portion of the disputed domain name is its most prominent and recognizable portion; (3) the addition of the letter “s” after “adm,” and the addition of “nutrients” to the disputed domain name do not distinguish the disputed domain name from the ADM mark, but instead actually increase confusion by suggesting association with the Complainant, which (a) is a producer and manufacturer of human and animal nutrition goods, and (b) has a nutrition division (ADM Animal Nutrition, Inc.) with a legitimate, authorized website at “admanimalnutrition.com”.

The Complainant also asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name for several reasons. First, the Respondent has not been commonly known by the disputed domain name, as shown by the recent registration of the disputed domain name on September 11, 2024. Second, shortly after registering the disputed domain name the Respondent used it in furtherance of a fraudulent scheme, summarized below in the next paragraph below. Third, the website to which the disputed domain name resolves has remained inactive, and the Complainant therefore believes the Respondent does not use and has not prepared to use the disputed domain name with a bona fide offering of goods or services, but rather has used the disputed domain name in connection with fraud.

The disputed domain name was registered and is being used in bad faith, the Complainant asserts, because the Respondent has used the disputed domain name and an associated email address to impersonate the Complainant and fraudulently present business opportunities supposedly associated with the Complainant.

Specifically, annexed to the Complaint is an email from “[...]@admsnutrients.com” to a third party in which the author of the email falsely posed as one of the Complainant’s sales representatives and solicited a business relationship. A similar fraudulent email was sent to the same third party from a similar email address, specifically “[...]@admnutrients.com” (without the “s” after “adm”).¹ Thus, the Complainant contends, the Respondent registered and is using the disputed domain name as part of a scheme intentionally to trade on the goodwill of the Complainant’s fame, trademarks, reputation, and online presence, and is attempting to deceive individuals with the hope of inducing them to enter in fraudulent sales contracts.

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 ADM 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 the addition of an “s” after “adm” and the term “nutrients” – may bear on assessment of the second and third elements, the Panel finds the addition of those elements 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.

¹The Panel notes the domain name <admnutrients.com> was transferred to the Complainant under similar circumstances as the present dispute. See *Archer-Daniels-Midland Company (ADM) v. Archer Daniels Midlands*, WIPO Case No. [D2024-3533](#).

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.

In addition, Panels have held that the use of a domain name for unlawful activity – here, impersonation of the Complainant and fraud – 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 evidence, adduced by the Complainant, that the Respondent has used the disputed domain name in connection with a fraudulent scheme. This scheme included (1) registering the disputed domain name, which is confusingly similar to the ADM mark; (2) using an email address associated with the disputed domain name to falsely pose as one the Complainant's employee; and (3) attempting to trade on the Complainant's ADM mark to induce third parties to enter into fraudulent sales transactions.

Panels have held that the use of a domain name for such illegitimate or illegal activity 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 <admsnutrients.com> be transferred to the Complainant.

/Gregory N. Albright/

Gregory N. Albright

Sole Panelist

Date: January 23, 2025