

ADMINISTRATIVE PANEL DECISION

Archer-Daniels-Midland Company v. Amy Greg
Case No. D2024-5096

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 Amy Greg, United States.

2. The Domain Name and Registrar

The disputed domain name <archerfinancials.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 10, 2024. On December 11, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Domain Administrator, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 12, 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 the same day.

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 December 16, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 6, 2025.

The Center appointed W. Scott Blackmer 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 is the parent company of an international group headquartered in Chicago, Illinois, United States and known by the trade name ADM. Originally a food and ingredients company founded in 1902, the group is now diversified in many fields including publishing, financial and business management services, bioethanol and other fuels, agricultural storage and transportation, and research and development. The Complainant's stock is traded on the New York Stock Exchange and is a component of the S&P 500. The group employs over 38,000 people, with more than 800 facilities in 200 countries and 2023 net sales of USD 93 billion.

The Complainant operates a main corporate website at "www.adm.com", which advertises the Complainant's products and services. This includes a page on "Financial Services" that mentions and links to the website of one of the Complainant's subsidiaries, Chicago-based Archer Financial Services, Inc., which operates its own website at "www.archerfinancials.com" (the Complainant's "Archer Financials website"). Archer Financial Services is a futures brokerage firm, operating in coordination with affiliate ADM Investor Services, Inc. These affiliates offer trading facilities online and through branches in the United States and other countries to individual and commercial traders, farmers, institutions, and funds.

The Complainant does not claim trademark registrations for its company names "Archer-Daniels-Midland" or "Archer Financial Services" or for "Archer Financials" as used in the latter company's domain name. Instead, the Complainant has numerous trademark registrations for the acronym ADM as a word mark, including United States Trademark Registration Number 1386430 (registered on March 18, 1986) in International Classes 1, 4, 12, 16, 29, 30, 31, 33, and 39. The Complainant asserts that "Archer-Daniels-Midland" and "Archer Financial Services" have long been associated with the acronym ADM registered as a trademark, and also that these have themselves become source-identifying terms subject to protection as common law marks, citing prior UDRP decisions recognizing ARCHER-DANIELS-MIDLAND as a common law mark. See *Archer-Daniels-Midland Company v. Jim Sengooba*, WIPO Case No. [D2023-3142](#); *Archer-Daniels-Midland Company v. Derrick Tab*, WIPO Case No. [D2023-2545](#); *Archer-Daniels-Midland Company v. Registration Private, Domains By Proxy, LLC / Chantelle Columbus*, WIPO Case No. [D2022-1656](#).

The Registrar reports that the disputed domain name was created on November 20, 2024, and is registered to the Respondent, with a postal address in the state of Rhode Island, United States and a contact email address using the domain name <thrivesfarmers.com>. That domain name does not resolve to an active website but resolves to a page with pay-per-click ("PPC") links. The disputed domain name either does not resolve to an active website or resolves to one displaying PPC links, or else produces security warnings on popular browsers.

The disputed domain name has been used to create at least two fraudulent email addresses that impersonated actual employees of the Complainant. Emails were sent from these addresses in November 2024, to the Complainant's clients in connection with ongoing investment transactions. The Respondent, or someone associated with the Respondent, evidently intercepted earlier correspondence with the clients and sent emails purporting to furnish "updated" banking details in an effort to divert funds to the Respondent. The fraudulent emails impersonated the Complainant's logo and one of its employee's signatures and contact details. Fortunately, the single-letter difference in the email address was noted, and the fraud was prevented. The email fraud scheme is consistent with a pattern of such targeted attacks against the Complainant in 2023 and 2024, as reflected in multiple UDRP proceedings.

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 recognizable to the public as confusingly similar to its registered ADM mark, which is an initialization for the company name "Archer-Daniels-Midland", as determined in other UDRP decisions such as *Archer-Daniels-Midland Company v. Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf / Bucaneer Josh, .buccaneer computer systems*, WIPO Case No. [D2021-3577](#). In addition, the Complainant claims unregistered trademark rights in ARCHER-DANIELS-MIDLAND and ARCHER FINANCIALS and contends that the disputed domain name is confusingly similar to both, observing that the Respondent clearly targeted the Complainant's marks in its email fraud scheme.

The Complainant argues that the Respondent has no rights or legitimate interests in the disputed domain name, using it only for an email fraud scheme launched with a day of registering the disputed domain name, impersonating the Complainant's employees and attempting to defraud the Complainant's clients and tarnish the Complainant's marks. These facts are also evidence of the Respondent's bad faith in the registration and use of the disputed domain name.

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 holds trademark registrations for ADM, the initialization of its company name Archer-Daniels-Midland, and the Complainant cites recent UDRP precedents either determining that ARCHER-DANIELS-MIDLAND has secondary meaning as an unregistered mark for Policy purposes or alternatively that the registered ADM mark is commonly recognized as the initialization of this name, warranting a finding of confusing similarity with respect to a domain name based on that company name. Unlike those decisions, the current proceeding involves a disputed domain name that includes only a misspelled version of part of the name of one of the Complainant's subsidiaries, Archer Financial Services, Inc., which may not be as readily associated with the initialization and mark ADM. Therefore, without evidence of such association, the Panel is not able to find confusing similarity with the ADM mark.

The Panel finds, however, that the Complainant has established unregistered trademark or service mark rights in ARCHER FINANCIAL SERVICES for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3. According to its website, "Archer Financials Services" has been providing brokerage services since 2003. This is borne out by historical screenshots of the website available from the Internet Archive's Wayback Machine, which show trademark use of that form of the name for over 22 years, as well as domain name use of "Archer Financials". Moreover, "[t]he fact that a respondent is shown to have been targeting the complainant's mark ... may support the complainant's assertion that its mark has achieved significance as a source identifier". [WIPO Overview 3.0](#), section 1.3. That is the case here, where the disputed domain name is clearly an instance of typosquatting (substituting "i" for "l" in the word "financials") and the disputed domain

name has been used for fraudulent emails impersonating the Complainant's employees and targeting the Complainant's clients.

The Panel finds that the mark ARCHER FINANCIAL SERVICES is recognizable 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, 1.9.

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 illegitimate or illegal activity (here, with substantial documented evidence of impersonation and attempted fraud by email) 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 has not used the disputed domain name for an associated website but rather for an attempted email fraud scheme. The Respondent was clearly aware of the Complainant and its relevant mark, not only using typosquatting to compose the confusingly similar disputed domain name but promptly putting it to use for emails impersonating at least two of the Complainant's employees, replete with the Complainant's logo and contact details.

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 3.0](#), section 3.2.1.

Panels have held that the use of a domain name for illegitimate or illegal activity (here, impersonation and attempted fraud by email) 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 <archerfnancials.com> be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: January 17, 2025