

ADMINISTRATIVE PANEL DECISION

Archer-Daniels-Midland Company v. Name Redacted
Case No. D2024-5132

1. The Parties

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

Respondent is Name Redacted¹.

2. The Domain Name and Registrar

The disputed domain name <admsalesco.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 12, 2024. On December 13, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 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 (Unknown, Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on December 16, 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 December 16, 2024.

The Center verified that 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”).

¹ The Respondent appears to have used the name of a third party when registering the disputed domain name. In light of the potential identity theft, the Panel has redacted the Respondent’s name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST-12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified Respondent of the Complaint, and the proceedings commenced on December 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 8, 2025. Respondent did not submit any response. On January 3 and 22, 2025, the Center received emails from a third party. The Center notified the Commencement of Panel Appointment Process on January 20, 2025.

The Center appointed Scott R. Austin as the sole panelist in this matter on January 27, 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 following facts appear from the Complaint (as amended) and its attached Annexes, which have not been contested by Respondent, and provides evidence sufficient to support:

Founded in 1902, Complainant has become one of the world's premier agribusinesses which provides a range of agribusiness, financial and investment related goods and services under a trademark comprised of its initials ADM (the "ADM Mark"), now serving 200 countries, owning more than 800 facilities worldwide, and employing over 38,000 people. In 2023, worldwide net sales at ADM were USD 93 billion.

Complainant owns numerous trademark registrations in the US and around the world, including the following:

1. US Registration No. 1386430, ADM, registered March 18, 1986, for a range of agricultural related products and services in International Classes 1, 4, 12, 16, 29, 30, 31, 33 and 39;
2. US Registration No. 2766613, ADM, registered September 23, 2003, for a range of financial and investment related products and services in International Classes 16, 35, 36 and 42; and
3. US Registration No. 2307492, ADM, registered January 11, 2000, for a range of financial and business management related products and services in International Classes 35, 36, 40 and 42;

The disputed domain name was created on October 8, 2024, and resolves to an inactive website which has remained inactive, but has been used to send fraudulent communications impersonating a legitimate ADM employee in order to place large fraudulent purchase orders with at least three third-party companies.

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: that the disputed domain name is identical or confusingly similar to Complainant's ADM Mark; that Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

Notably, Complainant contends that Respondent registered the disputed domain name and subsequently configured at least one email address based on the disputed domain name to impersonate the identity of a real individual employed as a manager of Complainant to place large fraudulent orders with at least three third-party companies.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

There are no exceptional circumstances within paragraph 5(e) of the Rules to prevent this Panel from determining the present dispute based upon the Complaint (as amended), notwithstanding the failure of any person to lodge a substantive formal Response in compliance with the Rules. Under paragraph 14(b) of the Rules, where a party does not comply with any provision of the Rules, the Panel shall "draw such inferences therefrom as it considers appropriate".

Where no substantive Response is filed, however, Complainant must still make out its case in all respects under paragraph 4(a) of the Policy. To succeed, Complainant must demonstrate that the requirements for each of the elements listed in paragraph 4(a) of the Policy have been satisfied.

The Panel will address its findings on each of these elements in more detail below.

The standard of proof under the Policy is often expressed as the "balance of the probabilities" or "preponderance of the evidence" standard. Under this standard, an asserting party needs to establish that it is more likely than not that the claimed fact is true. See, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.2.

A. Identical or Confusingly Similar

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Complainant has demonstrated its rights in the ADM Mark because it has submitted evidence in the form of electronic copies of valid and subsisting trademark registration documents in the name of Complainant. See *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#). Complainant has also shown that prior UDRP panels have found the ADM Mark to be "well known" and "famous". See, *Archer-Daniels-Midland Company v. shimin li, Softvip*, WIPO Case No. [D2023-0034](#); *Archer-Daniels-Midland Company v. zheng zi qiang*, WIPO Case No. [D2022-4929](#).

With Complainant's rights in the ADM Mark established, the remaining question under the first element of the Policy is whether the disputed domain name is identical or confusingly similar to Complainant's ADM Mark.

Prior UDRP panels have held that the incorporation of the entirety of a trademark in a domain name is sufficient to establish identity or confusing similarity for purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.8 ("Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element"); see also *United Talent Agency, LLC v. Lianxin Zhou*, WIPO Case No. [D2024-1160](#); and *Carrefour SA v. yuri eros*, מ"מ יינות ביתן בע"מ, WIPO Case No. [D2022-1277](#).

The disputed domain name incorporates Complainant's ADM Mark in its entirety followed by the terms "sales" and "co", the abbreviation for the term "company", which is the form of business entity used by Complainant in its business name, followed by the generic Top-Level Domain ("gTLD") ".com". While the addition of such other terms may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the ADM Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8. See also *Oki Data Ams., Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). The addition of the gTLD ".com" is irrelevant in determining whether the disputed domain name is confusingly similar. See, *Research in Motion Limited v. Thamer Ahmed Alfarshooti*, WIPO Case No. [D2012-1146](#); [WIPO Overview 3.0](#), section 1.11.

Complainant's ADM Mark remains fully recognizable as incorporated in its entirety into the disputed domain name. Accordingly, the Panel finds that Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Under the second element of the Policy, a complainant is first required to make out a prima facie case that the respondent lacks rights or legitimate interests in the disputed domain name. If a complainant makes that showing, the burden of production on this element shifts to the respondent to come forward with relevant evidence of such rights or legitimate interests in the domain name. If the respondent fails to come forward with such evidence, a complainant is generally deemed to have satisfied the second element.

[WIPO Overview 3.0](#), section 2.1. See also, *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#).

Based on the record, Complainant has established, prima facie, that Respondent lacks rights or legitimate interests in the disputed domain name. First, Complainant asserts that it has not licensed, or otherwise authorized Respondent to use the ADM Mark in any manner, nor is Complainant in any way or manner associated with or related to Respondent. Complainant has also claimed with persuasive evidence submitted that Respondent is not commonly known by the disputed domain name because Respondent's name, as reviewed by the Panel, clearly bears no resemblance to the term "ADM", the ADM Mark, Complainant or the disputed domain name. The Panel finds that Respondent is not commonly known by the disputed domain name for purposes of the Policy.

Complainant also shows that Respondent has not used the disputed domain name in connection with a bona fide offering of goods and services because it does not resolve to a functional website and remains inactive, not offering any goods or services. Prior UDRP panels have held that the inactive status of a disputed domain name does not comprise a bona fide offering of goods or services under the Policy. See, *Accenture Global Services Limited v. Marc Diks*, WIPO Case No. [D2021-1383](#).

While Respondent's website has remained inactive, Respondent has not. Complainant contends that Respondent has actively used the disputed domain name to send fraudulent communications while impersonating a legitimate ADM employee in order to engage in fraudulent purchase order transactions, demonstrating Respondent's malicious intent to deceive and mislead those individuals and third-party businesses receiving the emails. Prior UDRP panels have found respondents had no rights or legitimate interests in disputed domain names used for similar fraudulent email schemes to impersonate an employee of the complainant for similar illegitimate purposes. See, *Archer-Daniels-Midland Company v. adm corps*, WIPO Case No. [D2024-3086](#); *Archer-Daniels-Midland Company v. ABBVIE inc*, WIPO Case No. [D2024-0737](#).

The record establishes Complainant's prima facie showing. Respondent has provided no basis upon which that showing may be overcome. The Panel finds Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services, so as to confer rights or legitimate interests in it in accordance with paragraph 4(c)(i) of the Policy. Complainant has successfully met its burden under paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Finally, Complainant must prove, by a preponderance of the evidence, that the disputed domain name has been registered and used in bad faith under paragraph 4(a)(iii) of the Policy. See, *Hallmark Licensing, LLC v. EWebMall, Inc.*, WIPO Case No. [D2015-2202](#).

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances that point to bad faith conduct on the part of a respondent. The panel may, however, consider the totality of the circumstances when analyzing bad faith under Policy, paragraph 4(a)(iii) and may make a finding of bad faith that is not limited to the enumerated factors in Policy, paragraph 4(b). See, *Do the Hustle, LLC v. Tropic Web*, WIPO Case No. [D2000-0624](#).

First, Complainant contends, and this Panel has found in Section 6A above from the record submitted that the ADM Mark is registered worldwide, and widely known around the world. Based on the uncontested record, considering: 1) the cases cited above finding the ADM Mark famous and well known, 2) that the ADM Mark is advertised and promoted both online at Complainant's official website accessed through <adm.com>, and through Complainant's facilities at locations around the world, 3) its trademark registration predates by decades Respondent's registration of the disputed domain name, and 4) the disputed domain name incorporates the ADM Mark in its entirety, Respondent has no credible argument that they were unaware of the ADM Mark when registering the disputed domain name. See, *Alstom v. Domain Investments LLC*, WIPO Case No. [D2008-0287](#); see also *Accor S.A. v. Kristen Hoerl*, WIPO Case No. [D2007-1722](#).

A consensus of prior UDRP panels have found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Prior UDRP panels have also found that where, as here, it would be implausible to believe that Respondent selected and was using the disputed domain name for any other purpose than to trade on Complainant's trademark rights and reputation, it establishes a fact pattern that repeatedly has been held to constitute bad faith registration. See *Houghton Mifflin Co. v. Weathermen, Inc.*, WIPO Case No. [D2001-0211](#); see also *Philip Morris Incorporated v. Alex Tsykin*, WIPO Case No. [D2002-0946](#). The Panel finds, therefore, that Respondent had actual knowledge of the ADM Mark, and that Respondent has targeted Complainant's ADM Mark in registering the disputed domain name in bad faith. See *Tudor Games, Inc. v. Domain Hostmaster, Customer ID No. 09382953107339 dba Whois Privacy Services Pty Ltd / Domain Administrator, Vertical Axis Inc.*, WIPO Case No. [D2014-1754](#).

Complainant shows in the Annexes to its Complaint that Respondent used the disputed domain name to send fraudulent emails using the identity of one of Complainant's managers to impersonate him and attempt to place large fraudulent orders of product without payment, while posing as Complainant's manager, a phishing scheme which constitutes evidence of bad faith under well-established principles in cases decided under the Policy. [WIPO Overview 3.0](#), section 3.4 and *The Coca-Cola Company v. PrivacyProtect.org/ N/A, Stephan Chukwumaobim*, WIPO Case No. [D2012-1088](#); *Ropes & Gray LLP v. Domain Administrator, c/o DomainsByProxy.com / Account Receivable*, WIPO Case No. [D2020-0294](#).

Complainant also shows this proceeding follows on the heels of a number of recent decisions in favor of Complainant involving registrants of similarly configured at issue domain names incorporating the ADM Mark, such as <admsales.com>, <myadmco.com>, and <admcorps.com>, using a similar scheme that attempted to place large fraudulent orders of product without payment, while posing as an ADM employee. See, *Archer-Daniels-Midland Company v. Bora Kira, Anderson Doug Mercury Co*, WIPO Case No. [D2023-3888](#); *Archer-Daniels-Midland Company v. Beata Tkacz, adm part, Repossessed by Go Daddy*, WIPO Case No. [D2024-3301](#); *Archer-Daniels-Midland Company v. Maleek Berry, ADM Company*, WIPO Case No. [D2024-3131](#). As noted above in each of those cases the respective UDRP panel held that the use of a domain name for such illegal activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

The Panel finds that the evidence of illegal fraudulent activity presented here, Respondent's impersonation of one of Complainant's existing managers using that manager's identity to send fraudulent emails to place large fraudulent orders of product without payment, constitutes bad faith registration and use under the Policy. Complainant has, therefore, 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 <admsalesco.com> be transferred to Complainant.

/Scott R. Austin/

Scott R. Austin

Sole Panelist

Date: February 19, 2025