

ADMINISTRATIVE PANEL DECISION

Archer-Daniels-Midland Company v. sam smith
Case No. D2025-0608

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 sam smith, United States.

2. The Domain Name and Registrar

The disputed domain name <admsalescorp.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 February 14, 2025. On February 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 17, 2025, 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” / “Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf”) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 18, 2025, 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 February 20, 2025.

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 February 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 13, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 17, 2025.

The Center appointed Elizabeth Ann Morgan as the sole panelist in this matter on March 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

Complainant Archer-Daniels-Midland Company is widely known by its initials as ADM. Founded in 1902, the corporation now serves 200 countries, owns more than 800 facilities worldwide, employs over 38,000 people, and has become one of the world's most premier agribusinesses. In 2023, worldwide net sales at ADM were USD 93 billion. Due to its promotion and continued global use of its name and brands, ADM has built up international goodwill in the ADM Mark among its consumers, wherein the ADM Mark is now well-known and famous.

ADM maintains its global presence online, via its various websites. For example, ADM maintains an extensive presence online through its main website, "www.adm.com". Screenshots of the "www.adm.com" website are provided as Annex 7. The website allows consumers to read about the history of ADM as well as the progress it has made since it was founded in 1902. The website also describes ADM's vast array of products and services and provides consumers with the latest news on ADM. The website and domain <adm.com> are an integral part of ADM's business as it allows consumers and business associates from around the world to learn about and communicate with ADM. Moreover, the website allows ADM's customers to conduct business with ADM from anywhere in the world. ADM places a high priority on safeguarding the security and trust of its worldwide consumers to uphold its global reputation of strong goodwill and reliability.

Although ADM was originally a food and ingredients company, its business areas also now include printing and publishing; financial and business management services; fuel production, including bioethanol and biodiesel; logistics services (agricultural storage and transportation services); and research and development services. For example, ADM provides financial services through ADM Investor Services, Inc. ("ADMIS") and its many branches throughout the world. ADMIS, which is located in Chicago, Illinois, has been a leader in the futures brokerage industry for over 40 years. Consumers can use ADMIS'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 ADMIS's services online to gain access to its various trading platforms, stock quotes, stock charts, and other stock related news. Screenshots of the website "www.admis.com" are provided as Annex 8.

This Complaint is based on ADM's numerous worldwide trademark registrations for its famous ADM trademark (the "ADM Mark"). The ADM mark was adopted and has been continuously used in the United States since at least as early as 1923 in connection with numerous products and services. Today, the ADM Mark is largely recognizable due to the international nature of ADM's business, as well as the online presence ADM maintains. ADM owns numerous trademark registrations for the ADM mark in the United States for a wide range of goods and services. Copies of the referenced United States Certificates of Registration, along with various other United States Certificates of Registration for ADM and related marks, are provided as Annex 9. Since March 18, 1986, ADM (Registration No. 1386430) has been registered in the United States for the following goods and services with a first use date at least as early as 1923 (see Annex 9):

- Class 01: Chemicals for industrial use, namely, ethyl alcohol; ground corn cobs for use in further manufacture
- Class 04: Industrial oils for use in chemicals and paints made from cottonseeds, sunflower seeds, soybeans, flaxseeds, corn germ and fish
- Class 12: Barges, vans and railway cars.
- Class 16: House organs

- Class 29: Processed foods, namely, prepared entrees, namely, textured vegetable protein used as a substitute for meat, cheese, fish and poultry; food oils made from cotton seed; edible sunflower seeds; processed soybeans; edible fish oils; edible flaxseeds; partially finished oils for use by other manufacturers
- Class 30: Staple foods, namely, processed corn, corn germ, corn syrups, flour, corn starch, commeal, grits, spaghetti, sugar, noodles and macaroni
- Class 31: Natural agricultural products, namely, raw peanuts, unprocessed malt, dog and cat food, livestock and poultry feed, unprocessed oats, unprocessed barely, unprocessed corn, unprocessed wheat, unprocessed soybeans, unprocessed flaxseeds, and unprocessed sunflower seeds
- Class 39: Transportation of agricultural products by truck, barge and rail and storage of agricultural products.

ADM also owns other United States registrations for the ADM mark, including Registration No. 2766613, registered since September 23, 2003, for the following goods and services (see Annex 10)

- Class 16: Printed materials, namely, newsletters, bulletins, brochures, pamphlets, leaflets, reference calendars and manuals, trade journals and trade reports all in the field of financial, investment and commodities trading;
- Class 35: Market research services and back office support services related to the investment industry;
- Class 36: Financial and investment services, namely, providing financial information on the Internet; financial clearing house services; financial research; brokerage house services in the field of stocks, commodities and futures; financial advisory and consulting services; trading in securities, options, commodities and futures; providing online financial services in the nature of stock, bond and mutual fund investing via a global computer network;
- Class 42: Providing temporary use of on-line non-downloadable software for use in portfolio management, accessing account information and for use in the secure download of trading and cash related information in the commodities exchange industry.

In the financial services and business management sectors, ADM owns United States registrations for the ADM mark for “information services in the field of employment rendered by means of a global computer information network,” in Class 35, among other financial services in Classes 36, 40, and 42, since January 11, 2000 (Registration No. 2307492), as well as “financial and investment services, namely, providing financial information on the internet; financial clearing house services; financial research; brokerage house services in the field of stocks, commodities and futures; financial advisory and consulting services; trading in securities, options, commodities and futures; providing online financial services in the nature of stock, bond and mutual fund investing via a global computer network” in Class 36, among other goods and services in Classes 16, 35, and 42 since September 23, 2003 (Registration No. 2766613). See Annex 9.

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 Respondent is aiming to intentionally trade on the goodwill of ADM's fame, trademarks, reputation, and online presence through its ADMSALESCORP.COM domain, and is in violation of ADM's prior rights and international civil and criminal laws. The Respondent used the email address associated with ADMSALESCORP.COM, “...@admsalescorp.com”, to create the belief that their communications came from a legitimate ADM employee. Respondent also referenced an email “...@admsalesco.com” in a credit application sent to the target, Annex 5, and used “...@outlook.com” as a contact email when registering the disputed domain name <admsalescorp.com>. The <admsalesco.com> domain name was also used in a similar fraudulent scheme and is subject to an ongoing UDRP proceeding,

indicating that the Respondent is conducting a larger fraudulent scheme involving multiple domain names with the clear intent to defraud third-parties. *Archer-Daniels-Midland Company v. Name Redacted*, WIPO Case No. [D2024-5132](#). Simply put, the facts of this case lead to no other conclusion than the Respondent is not only using the disputed domain name in bad faith but registered it in bad faith as well.

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 mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical and/or confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 activity and illegal activity here claimed as impersonation or other types of 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 that the Respondent registered the disputed domain name and sent fraudulent communications associated with that domain name, solely to commit fraud and further their illicit scheme, by impersonating a legitimate ADM employee. These actions clearly indicate the Respondent's intentional and bad faith attempts to create a likelihood of confusion with ADM's famous ADM Marks and trade off the goodwill associated with its ADM Marks and <adm.com> domain name.

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 <admsalescorp.com> be transferred to the Complainant.

/Elizabeth Ann Morgan/

Elizabeth Ann Morgan

Sole Panelist

Date: April 10, 2025