

ADMINISTRATIVE PANEL DECISION

Archer-Daniels-Midland Company v. “Archer Daniels Midlands, ADM” Case No. D2025-0609

1. The Parties

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

The Respondent is “Archer Daniels Midlands, ADM”, United States.

2. The Domain Name and Registrar

The disputed domain name <admnutrient.com> is registered with Hostinger Operations, UAB (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 18, 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 (“Domain Admin” / “Unknown”) 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.

On February 21, 2025, the Respondent indicated that it would like to settle. On February 26, 2025, the Center indicated to the Parties that if they wished to explore settlement options, the Complainant should submit a request for suspension by March 3, 2025. On February 27, 2025, the Respondent again indicated it would like to settle. The Center did not receive any communication from the Complainant within the specified time. Accordingly, the Center commenced the panel appointment process on March 19, 2025.

The Center appointed Nels T. Lippert as the sole panelist in this matter on March 31, 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 a United States headquartered multinational company founded in 1902 that operates a number of businesses including fuel production, food and food processing, commodities, financial services, printing and publishing, logistics, business management and technology platforms with worldwide sales in 2023 of USD 93 billion. The Complainant's ADM mark was adopted and used in the United States since at least 1923. The Complainant owns registrations for the ADM trademark and variations of it in numerous jurisdictions, including, for example: United States registration No. 1386430, registered on March 18, 1986; United States registration No. 2766613, registered on September 23, 2003; and United States registration No. 2307492 registered on January 11, 2000.

In addition, The Complainant owns numerous registrations of the ADM mark worldwide as are indexed in the annex to the Complaint.

The Complainant owns the domain name <adm.com>, which resolves to its main website through which it communicates with its consumers, business associates and the public.

The disputed domain name was registered on November 16, 2024. The disputed domain name resolves to an inactive website.

The Respondent's name is almost identical to the Complainant's corporate name, and the Respondent registered the disputed domain name using the exact address as that of the Complainant.

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 has no legitimate interests in respect of the disputed domain name because the Respondent has not been commonly known by this domain name, and has used the disputed domain name to engage in fraudulent activities, including impersonation, deceptive email communications to defraud third-party companies, and illicit use of the Complainant's name and trademark. Specifically, the Complainant contends the Respondent registered the disputed domain name and subsequently created at least one associated email address that was used in furtherance of an elaborate impersonation scheme involving the use of two additional fraudulently registered domains which targeted third-party companies under the guise of a sales representative of the Complainant with the purpose of deceiving the third-party employees into purchasing large orders. The Complainant notes that the Respondent was not making a legitimate, non-commercial or fair use of the disputed domain name, but has only used the disputed domain name to send fraudulent communications while impersonating legitimate employees of the Complainant in order to engage in fraudulent transactions.

The Complainant further alleges that the Respondent's use of the name Archer Daniels Midlands, the listing of the organization as ADM and the Complainant's actual address when registering the disputed domain name exemplifies a purposeful goal of impersonating the Complainant and an explicit intent to deceive and unjustly enrich the Respondent at the expense of others.

The Complainant alleges that its ADM mark was adopted and has been continuously used in the United States since at least as early as 1923. The Complainant also notes that it has been subject of a large number of abusive domain name registrations in furtherance of similar fraudulent schemes, and that it has consequently brought several successful UDRP proceedings.

B. Respondent

Apart from the email communications noted in section 4, the Respondent did not formally reply to the Complainant's contentions.

6. Discussion and Findings

As noted above, the Respondent did not respond to the Complainant's allegations. Under the Rules, paragraphs 5(f) and 14(a), the effect of a default by the Respondent is that, in the absence of exceptional circumstances, the Panel shall proceed to a decision on the basis of the Complaint. The Panel does not find any exceptional circumstance in this case, noting the Respondent simply indicated it was ready to negotiate a settlement.

Paragraph 4(a) of the Policy provides that in order to divest a respondent of a domain name, a complainant must demonstrate each of the following:

- (i) The domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) The respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) The domain name has been registered and is being used in bad faith.

Under paragraph 15(a) of the Rules, "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable"

In this case, the Panel finds that the Respondent has failed to rebut any of the reasonable factual assertions that are made and supported by evidence submitted by the Complainant. By failing to respond formally, the Respondent has failed to offer the Panel any of the types of evidence set forth in paragraph 4(c) of the Policy or otherwise, from which the Panel might conclude that the Respondent has any rights or legitimate interests in the disputed domain name.

Moreover, the Respondent failed to provide any information or reasoning that might rebut the Complainant's arguments that the Respondent has acted in bad faith.

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 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, “nutrient”, may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

Furthermore, it is well established that the applicable Top-Level Domain (“TLD”) in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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 illegal activity here, claimed as applicable to this case: impersonation/passing off, 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 and used the disputed domain name in an apparent attempt to defraud third-parties. The Complainant has presented evidence of such illegal activity.

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 illegal activity here, claimed as applicable to this case: impersonation/passing off, or other types of fraud 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 <admnutrient.com> be transferred to the Complainant.

/Nels T. Lippert/

Nels T. Lippert

Sole Panelist

Date: April 14, 2025