

ADMINISTRATIVE PANEL DECISION

Archer-Daniels-Midland Company v. Archer Daniels Midlands Case No. D2025-0763

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 Archer Daniels Midlands, United States.

2. The Domain Name and Registrar

The disputed domain name <adm.com> (<xn--ad-exs.com>) (the “Domain Name”) is registered with Name.com, Inc. (the “Registrar”), United States.

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 24, 2025. On February 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 27, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name that differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on February 28, 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 March 4, 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 the Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for the Uniform Domain Name Dispute Resolution Policy.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint and the Amended Complaint, and the proceedings commenced on March 7, 2025. In accordance with the Rules, paragraph 5, the due date for a response was March 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 28, 2025.

The Center appointed A. Justin Ourso III as the panelist in this matter on April 3, 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, an American agricultural products and services company operating globally, purchases and transforms crops into food and industrial products and provides storage, transportation, and financial services for agricultural products and commodities, including for the futures brokerage industry, among other endeavors, under its well-known mark, ADM.

The Complainant owns a United States registration, No. 1,386,430, for its ADM trademark, issued on March 18, 1986, for staple foods in Class 30, natural agricultural products in Class 31, and the transportation and storage of agricultural products Class 39, and for other products in other classes; and a United States registration, No. 2,766,613, for its ADM trademark, issued on September 23, 2003, for brokerage house services for commodities and futures in Class 36, and for other products in Class 16 and other services in Classes 35 and 42.

The Complainant owns the domain name <adm.com> and operates the web site “www.adm.com” on which it conducts business with its customers globally. The Complainant provides financial services through its affiliate, ADM Investor Services, Inc., a leader in the futures brokerage industry, which owns the domain name <admis.com> and operates the web site “www.admis.com”.

The Respondent registered the Domain Name on June 20, 2024. The Respondent is not using the Domain Name to operate an active web site. Attempts to reach the site prompt browser warning messages, highlighting the unusual character of the Domain Name, discussed below. The Respondent used the Domain Name in January 2025 to send an email impersonating a Complainant employee and targeting a potential customer of the Complainant, including using, earlier in the email exchange, the Complainant’s figurative trademark, physical address, and links to two of the Complainant’s web sites.¹

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 Domain Name, which it requested.

Notably, the Complainant contends that the Respondent chose a domain name that is imperceptibly different from its trademark and domain name by using a diacritical character, “ṃ,” a Latin small letter (lower case) “M” with a dot below the “M” that is obscured in email addresses, for the third letter “M” in the Domain Name; does not have an active web site using the Domain Name but is using it for fraudulent emails; has sent an email impersonating a Complainant employee and targeting a potential customer in a fraudulent attempt to deceive the potential customer into thinking that he was dealing with the Complainant; and gave contact details when registering the Domain Name using a name nearly identical to the Complainant’s in the contact names and the email addresses.

B. Respondent

The Respondent did not submit a response to the Complaint.

¹Earlier emails in this exchange used a different domain name, <adm.nutrient.com>, that is the subject of another UDRP proceeding, *Archer-Daniels-Midland Company v. Archer Daniels Midland*, WIPO Case No. [D2025-0609](#).

6. Discussion and Findings

A complainant must prove three elements to obtain relief: (i) the domain name is identical or confusingly similar to a trademark in which the complainant has rights; (ii) the respondent has no rights or legitimate interests in the domain name; and (iii) the respondent registered and is using the domain name in bad faith. Policy, paragraph 4(a).

A. Identical or Confusingly Similar

On the first element, a complainant must prove that (1) it has rights in a trademark and (2) the domain name is identical or confusingly similar to this trademark. Policy, paragraph 4(a)(i).

The Panel finds that the Complainant's registrations establish its trademark rights. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.2.1.

The first two letters in the three-letter Domain Name are identical to the first two letters in the Complainant's ADM trademark. The third letter uses a diacritical small letter (lower case) "M" with a dot below. The effect of using this character for the third letter is that the Domain Name is imperceptibly different from the ADM trademark, especially when the Domain Name appears in email addresses, which are typically displayed on a computer with underscoring, obscuring the dot so that the diacritical letter appears identical to the letter "M." The Domain Name incorporates the entire trademark, and the trademark is readily recognizable within the Domain Name, notwithstanding the addition of the dot below the letter "M." The Panel finds that the Domain Name is confusingly similar to the trademark. [WIPO Overview 3.0](#), section 1.7.

Accordingly, the Panel concludes that the Complainant has proven the first element: the Domain Name is confusingly similar to a trademark in which it has rights.

B. Rights or Legitimate Interests

The Respondent has not claimed the existence of any circumstance under the Policy, paragraph 4(c), that demonstrates that a respondent has rights to, or legitimate interests in, a domain name. The Panel finds that the Complainant has shown that it established its trademark rights before the Respondent registered the Domain Name, the Respondent is not commonly known by the Domain Name, and the Respondent has used the Domain Name for deceptive activity, which is not a bona fide commercial use, a noncommercial use, or a fair use of the Domain Name. To the contrary, the evidence shows an intended deceptive use for commercial gain. [WIPO Overview 3.0](#), sections 2.5 and 2.13. Additionally, the record contains no evidence that the Complainant authorized the Respondent to use its trademark or the Domain Name. This record constitutes prima facie a showing that the Respondent lacks any rights or legitimate interests in the Domain Name under the Policy, paragraph 4(a)(ii), shifting the burden of production on this second element to the Respondent to come forward with relevant evidence proving rights or legitimate interests in the Domain Name. [WIPO Overview 3.0](#), sections 2.1 and 2.13. The Respondent has not submitted any evidence to rebut the prima facie showing.

Most importantly, the Panel finds that the Complainant has proven that the Respondent impersonated a Complainant employee in an attempt to deceive a potential customer of the Complainant into dealing with the Respondent instead. The Respondent's use of the Complainant's name when registering the Domain Name demonstrates that the Respondent was aware of the Complainant and its mark when the Respondent registered the Domain Name. The only plausible purpose in registering a domain name with the third letter in the Domain Name chosen by the Respondent is to use the Domain Name in deceptive emails, not to attract potential customers to a web site. Panels have categorically held that the use of a domain name for impersonation can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Additionally, the Respondent provided a nonexistent contact address, and the Respondent failed to provide any evidence of an actual or a planned bona fide commercial use, a noncommercial use, or a fair use of the Domain Name, or even to respond to the Complaint.

Accordingly, the Panel concludes that the Complainant has proven, and the evidence demonstrates, the second element: the Respondent lacks rights or legitimate interests in the Domain Name.

C. Registered and Used in Bad Faith

The Panel finds that the Respondent chose a domain name whose only plausible purpose is for deceptive emails targeting the Complainant. The Respondent then impersonated a Complainant employee in an attempt to deceive a potential customer of the Complainant into dealing with the Respondent instead, which is deceptive activity and a bad faith use of the Domain Name. These findings compel the Panel's conclusion that the Respondent (1) intentionally registered the Domain Name in bad faith to impersonate the Complainant and target its customers and (2) used it in bad faith to impersonate the Complainant and target its customers. [WIPO Overview 3.0](#), sections 3.1.3, 3.2.1, 3.4.

The findings that the Respondent used a privacy service, provided false contact information, and failed to submit a response to the Complaint support the conclusion of bad faith. [WIPO Overview 3.0](#), sections 3.2.1 and 3.6. Accordingly, the Panel concludes that the Complainant has proven the third element: the Respondent registered and is using the Domain Name in bad faith.

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 Domain Name <adm.com> (<xn--ad-exs.com>) be transferred to the Complainant.

/A. Justin Ourso III/

A. Justin Ourso III

Panelist

Date: April 10, 2025