

ADMINISTRATIVE PANEL DECISION

Archer-Daniels-Midland Company v. Truehost Cloud, Truehostcloud LTD
Case No. D2025-0997

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 Truehost Cloud, Truehostcloud LTD, Kenya.

2. The Domain Name and Registrar

The disputed domain name <adm-app.com> is registered with Cosmotown, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 11, 2025. On March 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 14, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 17, 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 amendment to the Complaint on March 20, 2025.

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 March 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 11, 2025.

The Center appointed Zoltán Takács as the sole panelist in this matter on April 17, 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, commonly known as ADM, is an American multinational food processing and commodities trading corporation founded in 1902 and headquartered in Chicago, United States.

The Complainant owns numerous trademark registrations for the mark ADM in the United States and internationally, by way of example the United States Registration No. 1386430 with the registration date of March 18, 1986, and the first use date at least as early as 1923.

The Complainant is also owner of the United States Registration No. 7355716 registered since April 9, 2024. The trademark consists of the stylized letters “ADM” below a stylized leaf positioned horizontally over the letters (hereinafter referred to as “the figurative mark” and in connection with the ADM mark as “the marks”).

The Complainant maintains an extensive online presence through its main website “www.adm.com”, with the corresponding domain name being registered since October 12, 1994.

The disputed domain name was registered on February 6, 2025, and is currently inactive.

However, the disputed domain name used to resolve to a webpage that displayed the almost exact match of the Complainant’s figurative mark on the top of the page and required login credentials (a telephone number and a password) or registration.

Also, the disputed domain name was promoted on Facebook as part of an “adm investment” scheme to get “quick cash”, prominently displaying the Complainant’s marks.

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 which incorporates its ADM mark is confusingly similar to it since the addition of the term “app” is not sufficient to distinguish the disputed domain name from the mark;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name and is unable to rely on any of the circumstances set out in paragraphs 4(c)(i), (ii) or (iii) or the Policy; and
- the Respondent has registered the disputed domain name with its business and famous mark in mind and used the disputed domain name to promote a fraudulent investment scheme by displaying its marks which is evidence of bad faith registration and use.

The Complainant requests that the disputed domain name be transferred from the Respondent to the Complainant.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

In order to succeed on a complaint, a complainant must evidence each of the three elements required by paragraph 4(a) of the Policy, namely that:

- (i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (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.

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 ADM mark is reproduced and 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.

Although the addition of the term "app" in the disputed domain name may bear on assessment of the second and third elements, the Panel finds that 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.

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 the 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.

The Complainant has submitted sufficient and uncontested evidence that it holds well-established prior rights in the ADM mark.

The Complainant has never authorized the Respondent to use its marks, in a domain name, or otherwise.

The evidence submitted by the Complainant shows that the disputed domain name was used to resolve to a webpage that displayed the almost exact match of the Complainant's figurative mark on the top of the page and required login credentials (a telephone number and a password) or registration. The disputed domain name was also promoted on Facebook as part of an investment scheme prominently displaying the Complainant's marks.

Given the confusing similarity between the disputed domain name and the Complainant's mark, the absence of any relationship between the Respondent and the Complainant and the risk of implied affiliation with the Complainant the Respondent's use of the disputed domain name as mentioned above is neither a bona fide use or a legitimate noncommercial or fair use.

The Panel finds that 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.

Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

In the present case, the Panel notes that prior decisions under the UDRP established the well-known status of the Complainant's ADM mark (see e.g. *Archer-Daniels-Midland Company v. Name Redacted*, WIPO Case No. [D2016-1618](#)).

UDRP panels have consistently 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.

The disputed domain name consists of the Complainant's mark with the mere addition of a descriptive term and the Respondent used the disputed domain name to resolve to a webpage displaying the Complainant's marks as well as for furtherance of an investment scheme on Facebook also prominently displaying the Complainant's marks.

Thus, in view of the Panel, the Respondent has registered the disputed domain name with the Complainants' rights in mind attempting to create a likelihood of confusion and trade of the goodwill associated with the well-known ADM mark. Such targeting is fraudulent and evidence of bad faith.

The disputed domain name is currently inactive.

However, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3.

In this context the Panel notes the reputation of the Complainant's trademark, the composition and previous use of the disputed domain name, and finds that in the circumstances of this case the current passive holding of the disputed domain name does not prevent a finding of 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 <adm-app.com> be transferred to the Complainant.

/Zoltán Takács/

Zoltán Takács

Sole Panelist

Date: April 28, 2025