

ADMINISTRATIVE PANEL DECISION

Archer-Daniels-Midland Company v. PG Global
Case No. D2025-1364

1. The Parties

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

The Respondent is PG Global, Germany.

2. The Domain Name and Registrar

The disputed domain name <admsnutrient.com> (the “Disputed Domain Name”) 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 April 3, 2025. On April 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 8, 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 April 13, 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 April 15, 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 April 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 7, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 8, 2025.

The Center appointed Michael D. Cover as the sole panelist in this matter on May 13, 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 was founded in 1902 and is a major agribusiness. The Complainant serves 200 countries, owns more than 800 facilities worldwide and employs over 38,000 people. In 2023, worldwide sales of the Complainant were USD 93 billion.

The Complainant has an extensive global presence online, via its various websites, the main one being at the domain name <adm.com>. There is also another domain name <admadvantage.com>, which provides a platform for the Complainant's agricultural business partners. These websites allow the Complainant's customers to conduct business with the Complainant from anywhere in the world, with the Complainant placing a high priority on safeguarding the security and trust of its worldwide customers.

Although the Complainant was originally a food and ingredients company, its business now encompasses many other areas. For example, ADM Investor Services, Inc., which is located in Chicago, Illinois, United States, is a financial services business, which has been involved in the futures brokerage industry for over 40 years. The Complainant also has a business unit, ADM Animal Nutrition.

The Complainant's ADM trademark has been in continuous use in the US since at least 1923. The Complainant is the proprietor of the following US Trademark Registrations:

No. 1,386,430 ADM dated March 18, 1986, in Classes 1, 4, 12, 16, 29, 30, 31, and 39;

No. 2,307,492 ADM dated January 11, 2000, in Classes 35, 36, 40 and 42.

The Complainant is also the proprietor of many other registered trademarks ADM throughout the world, as set out in Annex 12 to the Complaint.

The Disputed Domain Name was registered on February 21, 2025. Very shortly thereafter, on February 22, 2025, the Respondent via the email address connected with the Disputed Domain Name, "[...].@admsnutrient.com", contacted a third party, conducting a follow up on an expected payment. The Respondent signed off the email as a sales representative of the Complainant under a fictitious name and included the Complainant's name, the actual address of the Complainant's North American headquarters and links to legitimate websites of the Complainant.

In addition, the Respondent contacted another third party on March 12, 2025. In this communication, the Respondent included two Firm Commercial Offers that included the Complainant's logo.

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.

Identical or Confusingly Similar

Notably, the Complainant submits that the Disputed Domain Name is confusingly similar to its ADM trademark in which the Complainant has rights.

The Complainant submits that the Disputed Domain Name is confusingly similar to its ADM trademark in which the Complainant has rights. The Complainant notes that the Disputed Domain Name entirely incorporates the ADM mark, which is the most prominent and recognizable portion of the Disputed Domain Name. The Complainant then submits that the addition of the "s" and the word "nutrient" do nothing to

distinguish the Disputed Domain Name from the Complainant's ADM trademark. In fact, says the Complainant, the addition of the word "nutrient" actually increases the confusing similarity, as the Complainant is a producer of animal and human nutrition goods and has an animal nutrition business.

Rights or Legitimate Interests

The Complainant submits that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The Complainant states, upon information and belief, that the Respondent has not been commonly known by the Disputed Domain Name and this is evident by the fact that the Disputed Domain Name was registered as recently as February 21, 2025 and merely days later was used in the furtherance of a fraudulent scheme. The Complainant submits that any legitimate rights or interests in the Disputed Domain Name are negated by the Respondent's attempt to fraudulently impersonate a sales representative of the Complainant and to deceive people and other businesses into believing they are communicating with a real representative of the Complainant.

The Complainant also submits that the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name without intent for commercial gain. Instead, says the Complainant, the Respondent is using the Disputed Domain Name to deceive individuals and third-party businesses. The Complainant continues that the website associated with the Disputed Domain Name remains parked, with no content on it.

Given the above facts, the Complainant submits that the Respondent has no rights or legitimate interests in the Disputed Domain Name.

Registered and Used in Bad Faith

The Complainant submits that the Respondent is using the ADM trademarks via the Disputed Domain Name and associated fraudulent email addresses to impersonate the Complainant and to mislead or attempt to mislead third parties that they have received legitimate order offers from the Complainant and that this alone is sufficient to establish bad faith.

The Complainant concludes that the Respondent has clearly registered the Disputed Domain Name and sent fraudulent communications associated with the Disputed Domain Name solely to commit fraud and further an illicit scheme, by posing as a sales representative of the Complainant and that the Respondent has registered and is using the Disputed Domain Name in bad faith.

Remedies Requested

In accordance with paragraph 4(i) of the Policy, the Complainant requests the Panel to decide that the Disputed Domain Name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

The Complainant must establish on the balance of probabilities that the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; that the Respondent has no rights or legitimate interests in the Disputed Domain Name; and that the Disputed 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 its ADM trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the ADM trademark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the ADM trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "s" and "nutrient", 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 mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

It is also well established in prior UDRP decisions that the applicable generic Top-Level Domain ("gTLD"), here ".com", is a standing requirement and is to be ignored in considering confusing similarity.

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.

Previous panels have held that the use of a disputed domain name for illegitimate activity, here, 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. Accordingly, the Respondent has not demonstrated, before notice of the dispute, use or demonstrable preparation to use the Disputed Domain Name in connection with a bona fide offering of goods or services, that the Respondent has been commonly known by the Disputed Domain Name, or that the Respondent was making legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trademark.

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.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a disputed 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 disputed domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Previous panels have held that the use of a disputed domain name for illegitimate activity, here, 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 also finds that the Respondent has registered the Disputed Domain Name to disrupt the business of the Complainant.

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 <admsnutrient.com> be transferred to the Complainant.

/Michael D. Cover/

Michael D. Cover

Sole Panelist

Date: May 27, 2025