

ADMINISTRATIVE PANEL DECISION

Archer-Daniels-Midland Company v. Hector Niebla, LightCompany
Case No. D2025-1741

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 Hector Niebla, LightCompany, United States.

2. The Domain Name and Registrar

The disputed domain name <adm-sales.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 April 30, 2025. On May 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 2, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 5, 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 May 5, 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 May 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 28, 2025.

The Center appointed Ik-Hyun Seo as the sole panelist in this matter on June 10, 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 food processing and commodities trading company founded in the United States in 1902. The Complainant is now in 200 countries, and has approximately 800 facilities and 38,000 employees worldwide. In 2023, its worldwide net sales were USD 93 billion. The Complainant is known by its initial ADM, and has a number of trademark registrations for the ADM mark, including Trademark Registration Number 1,386,430, and Trademark Registration Number 2,766,613, registered in the United States on March 18, 1986, and September 23, 2003, respectively.

The Respondent appears to be an individual with an address in the United States.

The disputed domain name was registered on March 11, 2025, and does not resolve to any website with active content. The Respondent has used the disputed domain name to create an email address and contacted a company asking for the price of a generator posing as an actual employee from 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 disputed domain name is identical or confusingly similar to the ADM mark in which the Complainant has rights since the disputed domain name contains ADM in full and the addition of "sales" does not necessarily distinguish the disputed domain name from the ADM mark.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complainant contends that the Respondent used the disputed domain name to create an email address and contacted a company asking for the price of a generator posing as an actual employee from the Complainant, just one day after the registration of the disputed domain name. In this way, the Complainant contends that the Respondent attempted to perpetuate fraud and divert funds.

Finally, the Complainant contends that the disputed domain name was registered and used in bad faith. With respect to registration, the Complainant contends that the Respondent was certainly aware of the Complainant and the Complainant's mark when registering the disputed domain name given the fame of the Complainant and its mark, and also, the manner in which the disputed domain name was used subsequent to the registration. As for use, the Complainant contends that the impersonation of the Complainant's employee and fraudulent communications indicate the Respondent's intentional and bad faith attempts to create a likelihood of confusion with the Complainant's famous ADM mark and trade off the goodwill associated with the mark.

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 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, “sales” – 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.

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.

Moreover, “UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation. Even where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner.” [WIPO Overview 3.0](#), section 2.5.1. Here, the additional term “sales” suggests that the disputed domain name is for the sales department of the Complainant which can be expected to reach out to possible vendors for price equipment, as in the case here.

In addition, the Respondent used the disputed domain name to impersonate an employee of the Complainant, likely, in order to perpetuate fraud. Panels have held that the use of a domain name for illegal activity – here, claimed phishing and impersonation/passing off – 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 which incorporates the trademark of the Complainant along with the term “sales” which makes the disputed domain name appear as though it is used by the sales department of the Complainant. It is unlikely for the Respondent to have done so without prior knowledge of the Complainant and its marks. Rather, based on the manner of use of the disputed domain name, it is clear that the Respondent knew of the Complainant and its marks and targeted them when registering the disputed domain name.

Also, panels have held that the use of a domain name for illegal activity – here, claimed phishing and impersonation/passing off – 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 <adm-sales.com> be transferred to the Complainant.

/Ik-Hyun Seo/

Ik-Hyun Seo

Sole Panelist

Date: June 24, 2025