

## ADMINISTRATIVE PANEL DECISION

International Business Machines Corporation v. Le do Pkk  
Case No. D2025-1865

### 1. The Parties

The Complainant is International Business Machines Corporation, United States of America (“US” or “United States”), internally represented.

The Respondent is Le do Pkk, Singapore.

### 2. The Domain Names and Registrar

The disputed domain names <ibmgs6.shop>, <ibmgs668.com>, <ibmgs789.com>, <ibmgs88.vip>, and <ibmht888.com> are registered with Gname.com Pte. Ltd. (the “Registrar”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on May 9, 2025. On May 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On May 13, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (John Doe) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 16, 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 in English to the Complaint on May 20, 2025.

On May 16, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreements for the disputed domain names is Chinese. On May 20, 2025, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on May 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 17, 2025.

The Center appointed Tao Sun as the sole panelist in this matter on June 25, 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 designs and manufactures technology products including computers, computer hardware, software and accessories. It has been offering products under the trademark IBM since 1924. The Complainant and its trademark have acquired strong reputation and become well known all over the world.

The Complainant owns, among others, the following registered trademarks:

- (i) The United States registration No. 640606 IBM in international class 9, registered on January 29, 1957;
- (ii) The United States registration No.1058803 IBM in international classes 1, 9, 16, 37, 41, and 42, registered on February 15, 1977; and
- (iii) The United States registration No. 1205090 IBM in international classes 1, 9, 16, 37, and 41, registered on August 17, 1982.

The disputed domain names were registered on September 24, 2024. According to the evidence submitted by the Complainant, the disputed domain names previously resolved to the virtually identical websites alleged to be an Internet shopping platform to help merchants increase product awareness. At the top of the homepages and the "About Us" pages of such websites, the Complainant's IBM trademark are prominently displayed. The online platform had Internet users engage in a fraudulent scheme where they completed tasks (i.e., of promoting merchants' products) on the platform from which they would earn a "commission" based on a tally of nonexistent earnings on the platform. The platform then required Internet users to deposit their own money (i.e., an advance fee) in order to access/withdraw their nonexistent earnings out of the platform.

The Complainant sent cease and desist letters to the Respondent, through the Registrar, on September 30, 2024 for all five of the disputed domain names, asking the Respondent to disable and transfer the disputed domain names to the Complainant. The Complainant also sent follow up letters to the Respondent on October 21, 2024 and April 28, 2025. The Respondent did not respond to any of the Complainant's letters.

#### **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 names.

Notably, the Complainant contends that:

- (i) The disputed domain names contain the Complainant's IBM trademark with the addition of certain letters and numbers. These minor variations do not obviate the confusing similarity between the disputed domain names and the Complainant's IBM trademark.

(ii) The Complainant has never licensed, contracted, or otherwise permitted anyone to apply to register the disputed domain names. The Respondent has been intentionally attempting to create a likelihood of confusion by using the disputed domain names to operate an Internet shopping platform which allegedly helps merchants increase their product awareness. Such unauthorized use of the Complainant's IBM trademark is likely to trick consumers into erroneously believing that the Complainant is somehow affiliated with the Respondent or endorsing its commercial activities, while in fact, no such relationship exists.

(iii) The Respondent was well aware of the Complainant's trademark at the time the Respondent registered the disputed domain names. The Respondent also registered the disputed domain names using the Registrar's privacy shield service to conceal its identity. The Respondent has attempted to derive illegitimate commercial gain from unsuspecting Internet users via the disputed domain names. Furthermore, the failure of the Respondent to respond to the cease and desist letters sent by the Complainant also shows the bad faith.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1. Preliminary Issues: Language of the Proceeding**

The language of the Registration Agreement for the disputed domain names is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the facts that the disputed domain names consist of English words, and the websites associated with the disputed domain names displayed English-language contents, suggesting that the Respondent understands English.

The Respondent did not make any submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, and noting that the Center sent the emails in Chinese and English regarding the notification of the Complaint which includes information on the language of the proceeding, the Respondent did not make any comments on the language of the proceeding, and did not file any response, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

## **6.2. Substantive Issues**

### **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 names. [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 disputed domain names contain the Complainant's IBM mark in its entirety. The Complainant's marks can be easily recognized within the disputed domain names. Therefore, the disputed domain names should be considered confusingly similar with the Complainant's trademarks for purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other letters and numbers may bear on assessment of the second and third elements, the Panel finds the addition of such letters and numbers does not prevent a finding of confusing similarity between the disputed domain names and the Complainant's marks 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 names. The Complainant has asserted that it has never licensed, contracted, or otherwise permitted the Respondent to apply to register the disputed domain names. According to the evidence submitted by the Complainant, the disputed domain names previously resolved to the virtually identical websites where the Complainant's IBM mark and stylized eight-bar IBM logo were prominently displayed. Considering the worldwide reputation of the Complainant's IBM trademark, such use of the disputed domain names will inevitably mislead Internet users to connect the disputed domain names with the Complainant and therefore does not represent a *bona fide* offering of goods or services. Further, according to the Complaint, the online platform on the websites at the disputed domain names had Internet users engage in a fraudulent scheme as described under section 4 above. Such use of the disputed domain names can never confer any rights or legitimate interests on the Respondent.

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 names such as those enumerated in the Policy or otherwise.

The Panel therefore 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 Complainant's trademarks are inherently distinctive and has become well known worldwide through extensive uses and promotions. The disputed domain names contain the entirety of the Complainant's IBM trademark with the addition of letters and numbers. Therefore, the disputed domain names are confusingly similar to the Complainant's famous marks and were registered by the Respondent who has no relationship with the Complainant, which can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Furthermore, the fact that the disputed domain names previously resolved to the websites where the Complainant's IBM trademark and distinctive eight-bar IBM logo were prominently displayed can also prove that the Respondent were aware of the Complainant's famous trademark and attempted to attract Internet users to its websites by creating a likelihood of confusion with the Complainant's trademarks. . In addition, according to the Complaint, the online platform on the websites at the disputed domain names have been used to attract Internet users engage in a fraudulent scheme. Such use undoubtedly constitutes bad faith under paragraph 4(b)(iv) of the Policy.

The facts that the Respondent failed to respond to the cease and desist letters sent by the Complainant via the Registrar or file any response to this Complaint also support a finding of bad faith.

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 names <ibmgs6.shop>, <ibmgs668.com>, <ibmgs789.com>, <ibmgs88.vip>, and <ibmht888.com> be transferred to the Complainant.

*/Tao Sun/*  
**Tao Sun**  
Sole Panelist  
Date: July 9, 2025