

ADMINISTRATIVE PANEL DECISION

International Business Machines Corporation v. Sophia, Sophia
Case No. D2025-1956

1. The Parties

The Complainant is International Business Machines Corporation (“IBM”), United States of America (“United States”), self-represented.

The Respondent is Sophia, Sophia, United States.

2. The Domain Name and Registrar

The disputed domain name <ibmbnb.net> is registered with Dominet (HK) Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 15, 2025. On May 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 19, 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 (John Doe) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 19, 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 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 May 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 11, 2025.

The Center appointed Nels T. Lippert as the sole panelist in this matter on June 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 is a well-known company that was incorporated in the United States in 1911 as an amalgamation of three previously existing companies and officially became International Business Machines on February 14, 1924. Since then, the Complainant has been offering products and services under the IBM trademark. According to information provided by the Complainant, the IBM trademark was valued by BrandZ as worth over USD 98 billion in 2024.

The Complainant owns trademark registrations for the IBM trademark in 131 countries around the world for a broad range of goods and services, including information technology related goods and services. Representative registrations of the IBM trademark include:

United States Registration No. 4,181,289 registered July 31, 2012;
United States Registration No. 3,002,164 registered September 27, 2005; and
United States Registration No. 1,696,454 registered June 23, 1992.

The disputed domain name was registered on December 29, 2024. According to evidence submitted with the Complaint, the disputed domain name originally resolved to a website purporting to be a USDT financial investment site, offering cryptocurrency investment. At that time, the website displayed the Complainant's IBM eight-bar logo. As of January 14, 2025, the cryptocurrency content had been removed from the disputed domain name's website and the website is currently disconnected from a server.

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 confusingly similar to the IBM trademark because it includes the letters "ibm" followed by the letters "bnb" which is an acronym for "Binance Coin", a cryptocurrency coin that can be used to trade and pay fees on the Binance cryptocurrency exchange. The Complainant asserts that the addition of "bnb" in the disputed domain name, does not obviate the confusing similarity between the disputed domain name and the Complainant's IBM trademark.

The Complainant further alleges that it has never licensed, contracted or otherwise permitted the Respondent to register the disputed domain name. The Complainant contends that the disputed domain name was used to perpetrate a cryptocurrency scam because the disputed domain name resolved to a website that purported to be a USDT financial investment website using financial investment terminology to deceive users into believing that the website was legitimate and to invest their own money. The Complainant contends that the Respondent has no rights or interests in the disputed domain name because there is no evidence that the Respondent's use of the disputed domain name in connection with a bona fide offering of goods or services or that the Respondent was not commonly known by the disputed domain name or the Respondent was making a legitimate noncommercial or fair use of the disputed domain name.

The Complainant additionally alleges that the Complainant's IBM trademark was well known at the time the disputed domain name was registered by the Respondent which establishes bad faith registration. Furthermore, the disputed domain name resolved to a fraudulent USDT investment website, which was used to perpetrate a scam on users to invest in cryptocurrency. The disputed domain name was used to conduct

this scam while displaying the Complainant's IBM eight-bar logo to further confuse users that the disputed domain name and website were somehow affiliated with the Complainant. As of January 14, 2025, the website to which the disputed domain name resolved was disconnected from the server after a cease and desist letter was sent by the Complainant on December 31, 2024.

B. Respondent

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

6. Discussion and Findings

As noted above, the Respondent did not respond to the Complainant's allegations. Under the Rules, paragraphs 5(f) and 14(a), the effect of a default by the Respondent is that, in the absence of exceptional circumstances, the Panel shall proceed to a decision on the basis of the Complaint. The Panel does not find any exceptional circumstance in this case.

Paragraph 4(a) of the Policy provides that in order to divest a respondent of a domain name, a complainant must demonstrate each of the following:

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

(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.

Under paragraph 15(a) of the Rules, "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

In this case, the Panel finds that as a result of the default, the Respondent has failed to rebut any of the reasonable factual assertions that are made and supported by evidence submitted by the Complainant. By defaulting and failing to respond, the Respondent has failed to offer the Panel any of the types of evidence set forth in paragraph 4(c) of the Policy or otherwise, from which the Panel might conclude that the Respondent has any rights or legitimate interests in the disputed domain name.

Moreover, the Respondent failed to provide any information or reasoning that might rebut the Complainant's arguments that the Respondent has acted 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 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, “bnb” 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.

Furthermore, it is well established that the applicable Top Level Domain in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.

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.

Panels have held that the use of a domain name for illegitimate activity here claimed to be impersonation, to conduct a cryptocurrency scam 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.

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

Panels have found that the non-use of a domain name (including a blank) page would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant’s trademark, and the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name at the time of the Complaint, does not prevent a finding of bad faith under the Policy.

The Panel notes that at some point the disputed domain name resolved to an active website as described above. Panels have held that the use of a domain name for illegitimate activity here, impersonation, to perpetrate a cryptocurrency investment scam, 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 <ibmbnb.net> be transferred to the Complainant.

/Nels T. Lippert/

Nels T. Lippert

Sole Panelist

Date: June 30, 2025