

ADMINISTRATIVE PANEL DECISION

Archer-Daniels-Midland Company v. Sanjay Singh Nirwan
Case No. D2025-1959

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 Sanjay Singh Nirwan, India.

2. The Domain Name and Registrar

The disputed domain name <archardanielsmidland.com> is registered with BigRock Solutions Pvt Ltd. (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 17, 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 (Domian Admin) 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 19, 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 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 19, 2025. The Respondent sent an email communication to the Center on June 18, 2025, and another email on July 8, 2025.

The Center appointed Tobias Malte Müller as the sole panelist in this matter on July 14, 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

It results from the Complainant's undisputed allegations that it is a multinational food processing and commodities trading corporation founded in 1902. It serves 200 countries, owns more than 800 facilities worldwide, employs over 38,000 people, and has become one of the world's most premier agribusinesses. In 2023, worldwide net sales at ADM were USD 93 billion.

The Complainant's company name is Archer-Daniels-Midland Company and has been continuously used in the United States since at least as early as 1923.

The Complainant owns numerous trademark registrations for ADM in the United States for a wide range of goods and services. Example trademark registrations owned by the Complainant include:

- ADM, United States Reg. No. 1,386,430, registered on March 18, 1986, with first use in commerce dating back to 1923;
- ADM, United States Reg. No. 2,766,613, registered on September 23, 2003.

The Respondent registered the disputed domain name on April 19, 2025.

Finally, based on the Complainant's uncontested assertions, the disputed domain name originally redirected to the Complainant's primary corporate website at <adm.com> and now leads to an inactive page. Moreover, the disputed domain name has been used to create at least one email address for the purpose of impersonating the Complainant's current Chief Information Security Officer and disseminating fraudulent emails under his name.

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:

- (1) It has well-established common law trademark rights in the ARCHER-DANIELS-MIDLAND mark through the long and extensive use in conjunction with its products and services. Additionally, it bases its complaint amongst others on the above registered United States trademarks. The disputed domain name is a clear example of registering and using a "look-alike" domain in order to make individuals overlook "archar" and read it as "archer";
- (2) Any legitimate rights or interests in the domain name are negated by the Respondent's attempt to quickly, fraudulently impersonate an ADM employee and deceive a potential ADM vendor into believing they received a request from an ADM representative, which demonstrates a clear lack of legitimate interests in respect to the domain name. There is no legitimate reason to register a domain name and quickly use it to impersonate someone else;

(3) The Respondent's fraudulent actions clearly demonstrate his intent to deceive unsuspecting corporations that trust ADM and to exploit the goodwill ADM has established with its vendors. In addition, the act of typo-squatting itself is evidence of bad faith in registering a domain name.

B. Respondent

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

However, the Respondent sent an informal email to the Center, pointing out that he purchased and registered the disputed domain name for the purpose of his personal trading and business activities. The Respondent did not provide evidence of such purported activities, and did not reply to the Complainant's contentions and evidence that he is using the disputed domain name and associated e-mail address to impersonate one of the Complainant's employees for fraudulent purposes. Furthermore, at the time of registration, the Respondent noted that the disputed domain name was publicly available. By another informal email of July 8, 2025, sent to the Center, the Respondent pointed out that he is fine with a settlement offer.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to "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".

Furthermore, paragraph 4(a) of the Policy requires the Complainant to prove each of the following three elements in order to obtain an order that the disputed domain name should be transferred or cancelled:

- (i) the disputed 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 disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Panel is satisfied that the registrant of record for the disputed domain name is the Respondent and will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

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.

It does not result from the case file that the Complainant owns any trademark registrations for "Archer-Daniels-Midland".

However, it results from the Complainant's allegations – which remain undisputed – that ARCHER DANIELS MIDLAND corresponds to its registered business name, and has become a distinctive source-identifier because it is inherently distinctive and has been used in commerce as a designation of source for many decades. Therefore, the Panel finds the Complainant has sufficiently shown unregistered trademark or service mark rights in ARCHER DANIELS MIDLAND for the purposes of the Policy, [WIPO Overview 3.0](#), section 1.3. (cf. *Archer-Daniels-Midland Company v. Registration Private, Domains By Proxy, LLC / Chantelle Columbus*, WIPO Case No. [D2022-1656](#)). Furthermore, this unregistered mark is clearly recognizable within the disputed domain name. In fact, the Panel is of the view that replacing the vowel "e"

in “archer” with an “a” to form “archar” constitutes an obvious or deliberate misspelling of the trademark, making the disputed domain name almost identical and therefore confusingly similar to the relevant mark for purposes of the first element, [WIPO Overview 3.0](#), section 1.9.

Additionally, the Complainant has shown rights in respect of registered trademarks or service marks ADM for the purposes of the Policy, [WIPO Overview 3.0](#), section 1.2.1. Complainant set forth that the ADM Mark is recognizable as the initialism for its full corporate name “Archer-Daniels-Midland Company”, and that ADM is commonly used shorthand for the company in commercial context (see in this regard also *Archer-Daniels-Midland Company v. Withheld for Privacy Purposes*, *Privacy service provided by Withheld for Privacy ehf / Buccaneer Josh*, *.buccaneer computer systems*, WIPO Case No. [D2021-3577](#)). The Panel shares this view and recognizes that entirety of these marks is reproduced within the disputed domain name. Accordingly, the disputed domain name is also confusingly similar to the mark for the purposes of the Policy.

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.

In the present case, the Panel notes that the disputed domain name originally redirected to the Complainant’s primary corporate website at <adm.com> and now leads to a default page. Moreover, the disputed domain name has been used to create at least one email address for the purpose of impersonating the Complainant’s current Chief Information Security Officer and disseminating fraudulent emails under his name. The Panel considers this email activity, falsely purporting to be the Complainant’s Chief Information Security Officer, to be illegal. Although the Respondent sent two emails to the Center, he did not address or contest these factual allegations which are therefore undisputed.

Panels have categorically held that the use of a domain name for such illegal activity, as described in the paragraph above, can never confer rights or legitimate interests on a respondent, [WIPO Overview 3.0](#), section 2.13.1. In any case, the Panel holds that such use cannot be qualified as a bona fide offering of goods or services in accordance with paragraph 4(c)(i) of the Policy, since such use capitalizes on the reputation and goodwill of the Complainant’s trademarks and is likely to mislead Internet users.

In addition, the Respondent did not submit any evidence of bona fide pre-Complaint preparations to use the disputed domain name. As outlined above, the Complainant’s uncontested allegations demonstrate that it has not authorized the Respondent’s use of its trademarks for registering the confusingly similar disputed domain name.

Furthermore, the Panel notes that there is no evidence in the record showing that the Respondent might be commonly known by the disputed domain name in the sense of paragraph 4(c)(ii) of the Policy.

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.

As explained above, it results from the Complainant's documented allegations that the disputed domain name has been used to create at least one email address for the purpose of impersonating the Complainant's current Chief Information Security Officer and disseminating fraudulent emails under his name.

Panels have categorically held that the use of a domain name for such illegal activity, 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 finding of bad faith registration and use is supported by the following further circumstances resulting from the case file:

- (i) the Respondent's failure to submit a formal response;
- (ii) the Respondent's failure to provide any evidence of actual or contemplated good-faith use;
- (iii) the implausibility of any good faith use to which the disputed domain name may be put; and
- (iv) the fact that the disputed domain name almost identically contains the Complainant's distinctive entire company name that has been used in commerce for decades.

In the Panel's view, this is evidence that the Respondent was aware of the Complainant when registering the disputed domain name.

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 <archardanielsmidland.com> be transferred to the Complainant.

/Tobias Malte Müller/

Tobias Malte Müller

Sole Panelist

Date: July 28, 2025