

## **ADMINISTRATIVE PANEL DECISION**

### **Archer-Daniels-Midland Company v. Archer Daniels, Archer DANiels Midlands Case No. D2025-2210**

#### **1. The Parties**

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

The Respondent is Archer Daniels, Archer DANiels Midlands, U.S.

#### **2. The Domain Name and Registrar**

The disputed domain name <admnutri.com> is registered with Porkbun LLC (the “Registrar”).

#### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 5, 2025. On June 6, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 7, 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 (Whois Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 11, 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 amended Complaint on June 12, 2025.

The Center verified that the Complaint together with the amended 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 June 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 3, 2025. The Respondent did not submit any formal Response. Rather, a seemingly automatic acknowledgement of receipt email was received on June 13, 2025 from “Private By Design LLC”. On July 8, 2025, the Center notified the Parties of the commencement of panel appointment process.

The Center appointed Stefan Naumann as the sole panelist in this matter on July 12, 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 U.S. agribusiness company that operates worldwide and notably owns the U.S. trademarks ADM (No. 1386430) registered on March 18, 1986, ADM (No. 2766613) registered on September 23, 2003, and ADM (No. 2301968) registered on December 21, 1999. The ADM trademark of March 18, 1986, indicates a first use in commerce in 1923. These and additional ADM U.S. trademarks together cover products and services in classes 1, 4, 12, 16, 29, 30, 31, 35, 36, 39 and 42 of the Nice Classification for classifying goods and services.

The Complainant has submitted copies of the registrations of the U.S. trademarks it owns as well as a list of hundreds of ADM word or stylized trademarks in other jurisdictions and indicates that it also owns the domain names <adm.com> and <admis.com> amongst others. The Complainant's trademarks were registered before 2025.

The disputed domain name was registered on May 14, 2025. The Complainant indicates and provides evidence that the disputed domain name is being used as a part of a fraudulent email scheme impersonating the Complainant.

The information provided by the Registrar shows that the Respondent used the Complainant's postal address in the U.S. to register the disputed domain name. The Respondent also used the Complainant's company name Archer-Daniels-Midland with slight misspellings as registrant name and provided an email address related to such name.

The Complainant provided evidence that shows that the disputed domain name resolves to a Registrar parking page.

#### **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 its ADM trademarks predate the disputed domain name and are well known, were used as early as 1923 and are actively used for the Complainant's online business activities, that the Respondent has no permission from the Complainant to use the Complainant's trademarks or apply for a domain name with the Complainant's trademarks, that the Respondent is not commonly known by and does not have a right or legitimate interest with respect to the disputed domain name in connection with a bona fide offering of goods and services, and that the Respondent registered and is using the disputed domain name in bad faith.

The Complainant submits evidence that the Respondent has used the disputed domain name in emails that reference the Complainant's trademarks, impersonate the Complainant's employees and were sent to one of the Complainant's potential customers to direct it to transfer payments to an unknown bank account or issue an at sight letter of credit, and argues that the fraudulent use of the disputed domain name to perpetrate email scams (i) constitutes neither a bona fide offering of goods or services nor a legitimate noncommercial use, and (ii) constitutes bad faith use of the disputed domain name. The Complainant submits that the Respondent was the respondent in a recent UDRP proceeding involving a domain name with the ADM

trademarks used for the same fraudulent purposes (impersonation of a Complainant's employee to deceive a potential customer) (*Archer-Daniels-Midland Company v. Archer Daniels Midlands*, WIPO Case No. [D2025-0763](#)).

## **B. Respondent**

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

## **6. Discussion and Findings**

To succeed in its Complaint, the Complainant must demonstrate that all three elements listed in paragraph 4(a) of the Policy have been satisfied:

- (i) the disputed domain name must be identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent must have no rights or legitimate interests with respect to the disputed domain name; and
- (iii) the disputed domain name must have been registered and used in bad faith.

Paragraph 15(a) of the Rules provides that a panel shall decide a case on the basis of the statements and documents submitted and in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable. As noted above, paragraphs 10(b) and 10(d) of the Rules provide that a panel shall ensure that the parties are treated with equality and shall determine the admissibility, relevance, materiality, and weight of the evidence.

Paragraph 14(b) of the Rules provides that if a party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under, the Rules, a panel shall draw such inferences therefrom as it considers appropriate.

In the present matter, the Respondent did not reply to the Complainant's contentions.

While the Respondent's failure to respond does not automatically result in a decision in favor of the Complainant, the Panel is entitled to draw appropriate inferences therefrom, in accordance with paragraph 14(b) of the Rules (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), paragraph 4.3).

### **A. Identical or Confusingly Similar**

The test for the first element requires a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name ([WIPO Overview 3.0](#), section 1.7).

The disputed domain name combines the ADM trademarks with the term "nutri", and the generic Top-Level Domain ".com".

For the purpose of assessing identity or confusing similarity in the present matter, the Panel considers that the ADM trademarks are fully reproduced and remain recognizable in the disputed domain name. The Panel further considers that the addition of the term "nutri" does not prevent a finding of the confusing similarity. [WIPO Overview 3.0](#), section 1.8.

The Panel is thus satisfied that the disputed domain name is confusingly similar to the Complainant's ADM trademarks 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 complainants, panels regularly consider that once a complainant has made out a prima facie case that a respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with evidence demonstrating his or her rights or legitimate interests in the domain name. If a respondent fails to come forward with relevant evidence, the complainant is deemed to have satisfied the second element ([WIPO Overview 3.0](#), section 2.1).

The Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests, and finds no indication in the evidence that the Respondent could claim rights or legitimate interests in the term “admnutri.” Neither the record nor the circumstances of the case point to any circumstances that may support a rights or legitimate interests’ defense.

The Respondent has chosen not to reply to the Complaint and has not come forward with any evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Since the Respondent has no permission from the Complainant and chose not to respond to the Complaint, his registration of the disputed domain name is without rights or legitimate interests based on the evidence of use of the disputed domain name for fraudulent purposes provided by the Complainant and absent any indication of circumstances that may support a rights or legitimate interests’ defense. In this context, the Panel notes that the Respondent had previously registered another domain name with the ADM trademarks that was used for the same fraudulent purposes (impersonation of a Complainant’s employee to deceive a potential customer) (*Archer-Daniels-Midland Company v. Archer Daniels Midlands*, WIPO Case No. [D2025-0763](#)).

The use of the disputed domain name for fraud as discussed below cannot confer rights or legitimate interests on the Respondent ([WIPO Overview 3.0](#), section 2.13). Furthermore, the Respondent’s use of the Complainant’s name when registering the disputed domain name cannot confer any rights or legitimate interests under the circumstances of this case.

The Panel therefore finds that in the present case the Respondent does not have any rights or legitimate interests with respect to the disputed domain name.

The Panel finds the second element of the Policy has been established.

## **C. Registered and Used 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).

The disputed domain name does not resolve to a webpage or site.

Previous panels have held that the use of a domain name for illegal activities such as phishing or impersonation/passing off are considered evidence of bad faith use ([WIPO Overview 3.0](#), sections 3.4).

In the present matter, the Complainant submitted evidence of alleged illegal activity. In addition, the information provided by the Registrar shows that to register the disputed domain name the Respondent used the Complainant’s postal address in the U.S. and the registrant name Archer Daniels, Archer DANiels Midlands, and provided an email address related to such name.

The record thus unambiguously shows that the Respondent was well aware of the Complainant.

The evidence shows that the disputed domain name registered by the Respondent was used for an email address "[...][@admnutri.com](mailto:admnutri.com)" purporting to be one of the Complainant's employees and that fraudulent emails were sent to one of the Complainant's potential customers two weeks after the Respondent registered the disputed domain name.

Although the evidence linking the Respondent to the fraudulent emails is thus only circumstantial, the Panel considers it highly likely that the Respondent made or allowed the fraudulent use of the disputed domain name.

For the limited purpose of deciding bad faith registration and use based on the necessarily limited record in UDRP proceedings, the Panel therefore finds that the fraudulent use can be attributed to the Respondent.

Having reviewed the record, the Panel notes that the disputed domain name was used to attempt to commit fraud.

Here, the record shows that:

- (i) the Respondent is located in the U.S.,
- (ii) the Respondent was well aware of the Complainant's trademarks since he used them in emails to one of the Complainant's potential customers seeking to misdirect payments,
- (iii) the Respondent was well aware of the Complainant since he used the Complainant's name with slight misspellings and address to register the disputed domain name,
- (iv) the Respondent registered the disputed domain name that fully incorporates the Complainant's ADM trademarks,
- (v) the Respondent used the Complainant's signature block and company name in the emails he sent, and
- (vi) the Respondent used the disputed domain name for fraudulent purposes, specifically to mislead third parties and misdirect payments.

In the present case, the Panel is thus persuaded that the facts of this case as reflected in the limited record available in a UDRP proceeding support a finding that the Respondent's registration and use of the disputed domain name was in 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 name <[admnutri.com](http://admnutri.com)> be transferred to the Complainant.

*/Stefan Naumann/*

**Stefan Naumann**

Sole Panelist

Date: July 21, 2025