

ADMINISTRATIVE PANEL DECISION

International Business Machines Corporation v. Mathew Lane and IBM India, IBM INC

Case No. D2025-2245

1. The Parties

The Complainant is International Business Machines Corporation, United States of America ("United States"), represented internally.

The Respondents are Mathew Lane, India, and IBM India, IBM INC, India.

2. The Domain Names and Registrars

The disputed domain name <empl-ibm.com> is registered with GoDaddy.com, LLC.

The disputed domain name <empportal-ibm.com> is registered with Network Solutions, LLC (collectively, the "Registrars").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 9, 2025. On June 10, 2025, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On June 10, 2025, the Registrars transmitted by email to the Center their verification responses, disclosing registrant and contact information for the disputed domain names which partly differed from the named Respondent (Registration Private, Domains By Proxy, LLC, Mathew Lane) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 12, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file a separate complaint for the disputed domain name associated with different underlying registrant or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that the domain names are under common control. The Complainant filed an amended Complaint on June 16, 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 Respondents of the Complaint, and the proceedings commenced on July 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 14, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on August 19, 2025.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on August 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 following facts are undisputed.

Since the 1880s, the Complainant has been active in the development and production of technology products, including computers, software, and accessories. The Complainant was incorporated in 1911 and renamed to "IBM" in 1924. The Complainant invests significantly in research and development – over USD 7 billion in 2024 and allocates more than USD 1 billion annually to global marketing and brand protection.

The Complainant conducts its operation under the IBM trademark, which has been registered in many jurisdictions worldwide, including but not limited to various United States trademarks for IBM (both word marks and figurative marks) with number 4181289, registered on July 31, 2012 for classes 9, 16, 18, 20, 21, 22, 25, 28, 35 and 41 and the United States trademark (word/device) with number 3002164 registered on September 27, 2005 for class 9, and the United States trademark (stylized) with number 1205090, registered on August 17, 1982 for classes 1, 9, 16, 37 and 41.

The disputed domain names were registered on February 28, 2025 and April 19, 2024. At the time of filing of the Complaint, the both disputed domain names resolves to websites that purported being a login-page of the Complainant, including IBM logo. At the time of rendering this Decision, the second disputed domain name resolves to an inactive page.

After becoming aware of the existence of the disputed domain names, the Complainant sent cease-and-desist letters to the Respondents. No response to these letters was received.

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 the following.

There are inaccuracies within the Respondents information provided. Namely, with regards to the registrant information for the disputed domain names. Thus, the Complainant disputes the accuracy of the provided information and contends the Respondents intentionally provided false contact information during registration of both disputed domain names.

The disputed domain names are identical or confusingly similar to the Complainant's registered trademarks. The disputed domain names only differ from the Complainant's trademark by the addition of the letters "empl" or "emportal" and a dash. These minor variations do not obviate the confusing similarity between the disputed domain names and the trademark.

The Respondents have no rights or legitimate interests in the disputed domain names. The Complainant has never licensed, contracted, or otherwise permitted anyone to apply to register the disputed domain names. The Respondents do not use and have not used the disputed domain names in connection with a bona fide offering of goods or services. There is no evidence of any Respondents' demonstrable preparations to use the disputed domain names in connection with any bona fide offering of goods or services.

Moreover, the Respondents have been actively using the disputed domain names to derive illegitimate commercial gains by impersonating the Complainant to further conduct an employment scam. Specifically, the Respondents have been intentionally attempting to create a likelihood of confusing by using the disputed domain names to gather personal and sensitive information, contact individuals and offer fake job offerings associated with the Complainant. Further, Google searches for "empl ibm" and "empportal ibm" both showed results relating to the Complainant's official careers webpage, as well as employee portals, employee verification pages, and employee log-in pages. Thus, the disputed domain names suggest a relation to the Complainant and use descriptive acronyms of the Complainant's employment services to impersonate the Complainant. Further, the email address provided in the registration details for one of the disputed domain names implies that one of the Respondents is related to the Complainant, namely IBM India. However, official email addresses associated with the Complainant's offices in India use a different email address, further suggesting that one of the Respondents used a fake email address with the Complainant's well-known name to impersonate the Complainant.

The Respondents are not commonly known by the disputed domain names. The Respondents do not use the disputed domain names for any legitimate or noncommercial fair use.

The disputed domain names were registered in bad faith. A presumption of the bad faith against the Respondents must be found because the Respondents used the disputed domain names to carry out an employment scam. The Respondents were well aware of the Complainant's trademark. The Respondents have no relationship with the Complainant. Moreover, the Respondents used a privacy shield to mask their identity. The Complainant refers to the evidence which displays the active illegal conduct of the Respondents in perpetrating an employment scam using the disputed domain names. Moreover, the disputed domain names were linked to a mail server responsible for sending and accepting email messages which suggests the Respondents intended to use the disputed domain names for phishing or other fraudulent purposes.

Notably, the Complainant received an external report from a victim of the Respondents' employment scam, which stated that he received emails from the email address "[...].@empportal-ibm.com", offering a position at IBM.

B. Respondents

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

6. Discussion and Findings

Consolidation: Multiple Respondents

The present proceedings involve the Complainant bringing a single complaint against two respondents relating to two disputed domain names. The Complainant has requested consolidation of the disputes relating to both disputed domain names.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable

to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 4.11.2.

As regards common control, the Panel notes that the disputed domain names follow the same naming pattern and include a dash that separates the trademark IBM. Moreover, the content displayed on the websites to which the disputed domain names resolved, is identical. The websites to which the disputed domain names resolved, displayed the same webpage, which was a log-in page with a purple background, contrasted with a white box which included the IBM logo at the top, the phrase “welcome back, please login into an account” below it, as well as entry fields stating “your username” and “enter password”, a “login” button and a “forgot password?” hyperlinked text.

As regards contact details, the Panel notes that the registrant postal address confirmed by the Registrars for both domain names included the same city in India.

As regards fairness and equity, and also given the fact that the no response has been submitted, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as “the Respondent”) in a single proceeding.

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 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 Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 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.

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 finds that the Respondent has clearly used the disputed domain names to impersonate the Complainant and to operate an employment scam, by using log-in portals which include the Complainant's logo.

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 held that the use of a domain name for illegal activity here, claimed impersonation/passing off and phishing, 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 names 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 names <empl-ibm.com> and <empportal-ibm.com> be transferred to the Complainant.

/Willem J. H. Leppink/

Willem J. H. Leppink

Sole Panelist

Date: September 5, 2025