

## **ADMINISTRATIVE PANEL DECISION**

International Business Machines Corporation (IBM) v. Shi Cheng  
Case No. D2025-2378

### **1. The Parties**

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

The Respondent is SHI CHENG, Hong Kong, China, self-represented.

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

The disputed domain name <ibmpartnersplus.com> is registered with GoDaddy.com, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 16, 2025. On June 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 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 (John Doe) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 18, 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 June 18, 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 June 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 10, 2025. The Response was filed with the Center on June 21, 2025. Following the Center's email dated June 23, 2025, the proceedings were suspended until July 24, 2025. The Respondent sent two other email communications to the Center on June 25, 2025, and July 22, 2025. The Center reinstituted the proceedings on July 25, 2025.

The Center appointed Mehmet Polat Kalafatoğlu as the sole panelist in this matter on July 31, 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, IBM, is a corporation located in the US. Tracing its roots to the 1880s, the Complainant is a leading innovator in the design and manufacture of a wide array of products in the field of technology. Incorporated on June 16, 1911, as an amalgamation of three previously existing companies, the Complainant officially became IBM on February 14, 1924. The Complainant has been offering products under the trademark IBM ever since.

The Complainant asserts that it owns and has owned trademark registrations for IBM in 131 countries for a broad range of goods and services, such as the US trademark No. 1,058,803, registered on February 15, 1977, in classes 1, 2, 3, 4, 7, 9, 10, 16, 28, 37, 41, and 42. The Complainant also owns several trademark registrations for IBM PARTNER PLUS, such as the International trademark registration No. 1740653, registered on April 5, 2023, in classes 9, 35, 41, and 42, and the Hong Kong, China (where the Respondent is located) trademark registration No. 306194881, registered on March 16, 2023, in classes 9, 35, 41, and 42.

IBM Partner Plus is the Complainant's business partner program accessible at "[www.ibm.com/partnerplus](http://www.ibm.com/partnerplus)".

The disputed domain name was registered on September 29, 2024. At the time of filing the Complaint, it was redirected to the Complainant's official website.

#### **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. The Complainant's contentions regarding the three elements under the Policy can be summarized as follows.

First, the Complainant contends that the IBM trademark is world-famous. The disputed domain name, by including the letters "ibm" and the terms "partners" and "plus", is nearly identical to the Complainant's trademark IBM PARTNER PLUS, with the only difference being the addition of the letter "s" at the end of "partner". The Complainant also notes that the additional "s" is an intentional misspelling to potentially mislead Internet users.

Second, the Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name. In this regard, the Complainant, inter alia, submits that it has never licensed, contracted, or otherwise permitted anyone to apply to register the disputed domain name. There is no evidence that the Respondent is using the disputed domain name for a bona fide offering of goods or services, nor is there any evidence of fair use. The Complainant indicates that the Respondent has been intentionally attempting to create a likelihood of confusion by using the disputed domain name to redirect Internet users to the Complainant's website; the Respondent configured an email server on the disputed domain name; and the IP activity report indicates that the disputed domain name's IP address is linked to malware distribution.

Third, the Complainant contends that the Respondent's undoubted familiarity with the Complainant's world-famous IBM trademark and IBM PARTNER PLUS trademark at time of registering the disputed domain name; the Respondent's use of privacy shield; the confusing similarity between the disputed domain name and the Complainant's trademarks; the IP activity report indicating malware activity; the configuration of an active mail server; and, the redirection of the disputed domain name to the Complainant's website are, in combination, conclusive proof that the disputed domain name was registered and has been used in bad faith.

## **B. Respondent**

In his Response dated June 21, 2025, the Respondent requests the dismissal of the Complaint and affirms that the registration of the disputed domain name was not intended to exploit or infringe upon the IBM trademark, nor was it registered in bad faith. The Response can be summarized as follows.

The Respondent declares that it has no association, affiliation, or connection with the Complainant, and the registration of the disputed domain name was never intended, directly or indirectly, to imply any form of partnership or endorsement by the Complainant. The Respondent also claims that the selection of the disputed domain name was entirely coincidental and independent of the Complainant's established trademarks or any known branding efforts, including the IBM PARTNER PLUS trademark. The Respondent denies the Complainant's allegations of malicious activity and notes that no activity whatsoever has been undertaken to infringe the Complainant's trademarks or to capitalize on the Complainant's reputation. The Respondent contends that the Complainant's allegations are wholly unsupported by any direct evidence. The Respondent also asserts that the mere similarity of the disputed domain name does not automatically grant the Complainant the exclusive right to claim or control domain names registered by others. In addition, the Respondent submits that the registration of the disputed domain name was executed entirely in good faith for a legitimate, independent business purpose not related to the Complainant, and he had no intention, awareness, or anticipation that the registration would be perceived as related to the Complainant or its trademarks. Finally, the Response and the following email communications indicate the Respondent's intent to settle the Complaint in exchange for compensation.

## **6. Discussion and Findings**

### **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 Panel finds that the IBM trademark is reproduced within the disputed domain name, and the IBM PARTNER PLUS trademark is recognizable 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.

Considering the circumstances of the case, the Panel agrees with the Complainant and finds that the disputed domain name represents an example of intentional misspelling of the Complainant's trademark IBM PARTNER PLUS, as it incorporates the said trademark in its entirety with the addition of the letter "s" after the word "partner". [WIPO Overview 3.0](#), section 1.9.

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 this regard, the Complainant affirmed that it never licensed, contracted, or permitted the Respondent to register the disputed domain name incorporating its IBM PARTNER PLUS trademark or a version thereof. The Respondent does not have a name or a business name corresponding to the disputed domain name, and there is no indication in the available records that the Respondent is commonly known by the disputed domain name. Additionally, the Respondent declared that he has no association, affiliation, or connection with the Complainant.

In particular, the Panel considers that the disputed domain name incorporates the well-known IBM trademark; it consists of a misspelling of the IBM PARTNER PLUS trademark with the only addition of the letter “s” after the word “partner”; and it is redirected to the Complainant’s official website located at “www.ibm.com/partnerplus”. The Panel finds that the composition of the disputed domain name carries a risk of implied affiliation with the Complainant. In addition, Panels have held that a respondent’s use of a complainant’s trademark to redirect users would not support a claim to rights or legitimate interests under the Policy. [WIPO Overview 3.0](#), section 2.5.3.

In his Response, the Respondent did not provide any convincing explanation of his choice of the disputed domain name and merely stated that his choice was entirely coincidental and independent of the Complainant’s established trademark rights. Notably, the Response does not contain any explanation regarding the redirection of the disputed domain name. In his Response, the Respondent further contended that “[t]he registration of this domain was executed entirely in good faith for a legitimate, independent business purpose not related to IBM”. Considering also the absence of any supporting evidence related to this “independent business purpose”, the Panel finds that the Respondent failed to prove his use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. The Panel also finds that the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.

The Panel also notes the configuration of an email server connected to the disputed domain name and the Complainant’s un rebutted evidence indicating that the disputed domain name’s IP address is linked to malware distribution. Panels have held that the use of a domain name for illegitimate activity can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. In his Response, the Respondent simply rejected the Complainant’s allegations and claimed that these allegations “are wholly unsupported by any direct evidence”. However, the Respondent did not provide any explanation supported with evidence that is able to challenge the evidence submitted by the Complainant regarding malware activity connected to the disputed domain name.

As a result, the Panel finds that the Respondent has failed to rebut the Complainant's prima facie case, and 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.

In the present case, the Panel considers the well-known nature of the IBM trademark; the registration dates of the IBM trademark, the IBM PARTNER PLUS trademark (which is also protected in Hong Kong, China, where the Respondent is located), and the disputed domain name; the typo squatting nature of the disputed domain name; the fact that the disputed domain name is redirected to the Complainant's website; and the Respondent's failure to present credible explanation regarding his registration of the dispute domain name. Accordingly, the Panel concludes that the Respondent was fully aware of the Complainant's prior trademark rights, and he targeted these trademarks at the time of registering the disputed domain name.

The Panel also finds that the mere registration of the disputed domain name that is confusingly similar to the well-known IBM trademark by the Respondent, who has no affiliation with the Complainant, creates a presumption of bad faith. In addition, the disputed domain name, which incorporates the well-known IBM trademark and comprises a misspelling of the IBM PARTNER PLUS trademark, is redirected to the Complainant's website. Therefore, the Panel rejects the Respondent's argument that "[n]o activity whatsoever has been undertaken to infringe IBM's trademarks or to capitalize on IBM's reputation" and finds that the disputed domain name has been used in bad faith as the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademarks. [WIPO Overview 3.0](#), section 3.1.4.

Lastly, Panels have held that the use of a domain name for illegitimate activity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The Panel finds that the Complainant's un rebutted evidence sufficiently establishes that the disputed domain name was connected to malware activity.

Having reviewed the available record, the Panel concludes that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. Accordingly, 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 <ibmpartnersplus.com> be transferred to the Complainant.

*/Mehmet Polat Kalafatoglu/*

**Mehmet Polat Kalafatoglu**

Sole Panelist

Date: August 14, 2025