

## **ADMINISTRATIVE PANEL DECISION**

International Business Machines Corporation v. wo shi, IBM shi qi ye IT ling  
yu de ling xian ti gong shang  
Case No. D2025-3023

### **1. The Parties**

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

The Respondent is wo shi, IBM shi qi ye IT ling yu de ling xian ti gong shang, United States Minor Outlying Islands, United States.

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

The disputed domain name <ibm01.com> is registered with Gname.com Pte. Ltd. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 29, 2025. On July 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 31, 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, Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 31, 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 July 31, 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 August 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 27, 2025.

The Center appointed Gregory N. Albright as the sole panelist in this matter on August 29, 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**

Since the 1880s, the Complainant has been a leading innovator in the design and manufacture of a wide array of products that record, process, communicate, store and retrieve information, including computers and computer hardware, software, and accessories. The Complainant is one of the largest companies in the world and the Complainant's IBM trademark is consistently ranked as one of the most valuable global brands.

The Complainant for decades has owned trademark registrations for the IBM mark in 131 countries around the world for a broad range of goods and services, including information technology related goods and services. For example, the Complainant owns the following registrations:

- United States trademark registration no. 4,181,289 in International Classes 9, 16, 18, 20, 21, 22, 25, 28, 35, and 41, issued July 31, 2012;
- United States trademark registration no. 3,002,164 in International Class 9, issued September 27, 2005;
- United States trademark registration no. 1,696,454 in International Class 36, issued June 23, 1992; and
- United States trademark registration no. 1,243,930 in International Class 42, issued June 28, 1983.

The disputed domain name was registered on May 24, 2025. The disputed domain name has been used to display to Internet users a login page displaying the Complainant's IBM eight-bar logo, which prompts visitors to the site to enter their personal login credentials using either their email address, telephone number or Telegram ID, along with a password. In addition, the IP addresses associated with the disputed domain name are linked to malware.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

First, the Complaint asserts that the disputed domain name is identical or confusingly similar to a trademark in which the Complaint has rights. Specifically, the Complainant contends the IBM trademark is world-famous. The disputed domain name consists of the letters "ibm" followed by "01" and the generic Top-Level Domain ("gTLD") ".com". The entirety of the IBM trademark is contained in the disputed domain name, creating confusing similarity between the IBM mark and the disputed domain name. As stated in section 1.8 of the [WIPO Overview 3.0](#), "where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element." Minor variations, like the addition of "01" in this case, are merely descriptive and do not obviate the confusing similarity between the disputed domain name and the Complainant's IBM trademark.

Second, the Complainant asserts the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant has never licensed, contracted, or otherwise permitted anyone to register the disputed domain name. There is no evidence the Respondent is using the disputed domain

name for a bona fide offering of goods or services. Nor is there any evidence of the Respondent being known by “ibm01.com” or making fair use of the disputed domain name. To the contrary, the Respondent has made illegitimate use of the IBM trademark in connection with a login page displaying the Complainant's IBM eight-bar logo, and prompting visitors to enter personal information, along with a password. In addition, IP addresses associated with the disputed domain name are linked to malware, which further heightens the security risk for users that is associated with the Respondent's use of the disputed domain name. Such unauthorized use of the IBM trademark is likely to cause consumers to erroneously believe that the Complainant is somehow affiliated with the Respondent or endorses the Respondent's activities.

Third, the Complainant asserts that the disputed domain name was registered and is being used in bad faith. A presumption of bad faith registration may be created solely through the registration of a domain name that is identical or confusingly similar to a famous or widely known trademark. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“[WIPO Overview 3.0](#)”), section 3.1.4. The Respondent was well aware of the Complainant's IBM trademark when the Respondent registered the disputed domain name on May 24, 2025, the Complainant contends, because the Complainant's trademarks are well known throughout the world, and there is a gap of at least 63 years between the moment the Complainant established trademark rights in the IBM mark and the Respondent's registration of the disputed domain name. The Respondent either knew or should have known of the Complainant's IBM trademark when registering the disputed domain name.

The Respondent is also using the disputed domain name in bad faith. The disputed domain name directs visitors to a login portal that displays the Complainant's famous IBM eight-bar logo, which creates confusion that the Complainant is somehow affiliated with the Respondent. Further, by displaying a purported login webpage, the disputed domain name also risks the security of members of the public, and IBM employees, who may visit the website to which disputed domain name resolves and provide person credentials compromising their personal privacy and IBM's cybersecurity interests. In addition, malware is associated with the disputed domain name's IP addresses. Finally, the Complainant sent two cease-and-desist letters to the Respondent through the Registrar listed in the Whois records and received no response. Despite the Complainant's cease-and-desist demands, the disputed domain name has remained active and continues to display problematic content.

## **B. Respondent**

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

## **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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. (The IBM trademark is famous, including in the United States where the Respondent is located, and the Complainant owns many trademark registrations.)

The entirety of the Complainant's trademark is recognizably 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 the numbers “01” – 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.

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 mere addition of “01” to the Complainant’s IBM trademark did not serve to confer any rights upon the Respondent. Moreover, 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 or illegal activity, including fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. Here, the Complainant asserts, and the Respondent does not deny, that (1) the webpage of the disputed domain name prompts visitors to provide personal credentials, and (2) the IP addresses associated with the disputed domain name are linked to malware, which heightens the security risk associated with the use and nature of the disputed domain name.

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 notes that the Respondent registered the disputed domain name in May 2025 – decades after the Complainant obtained rights in the IBM trademark, and years after the Complainant’s numerous trademark registrations. The Respondent must have known of the Complainant’s mark when registering the disputed domain name given the mark’s fame. Incorporation of the entire famous IBM mark in the disputed domain name was in bad faith because, among other things, it was plainly calculated to create a false impression of affiliation with the Complainant. And the addition of “01” to the Complainant’s mark in the disputed domain name does not, in the Panel’s view, dispel the likelihood of confusion.

Panels have held that the use of a domain name for illegitimate or illegal purposes constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's use of the disputed domain name constitutes bad faith under the Policy. As noted above, the Complainant has shown that the disputed domain name displays a login page, using the Complainant's IBM trademark, to induce visitors to disclose personal information, and the IP addresses associated with the disputed domain name contain malware.

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 <ibm01.com> be transferred to the Complainant.

*/Gregory N. Albright/*

**Gregory N. Albright**

Sole Panelist

Date: September 12, 2025