

## **ADMINISTRATIVE PANEL DECISION**

Archer-Daniels-Midland Company v. Kate Brooks  
Case No. D2025-3522

### **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 Kate Brooks, Australia.

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

The disputed domain name <adm-besin.com> is registered with NameSilo, LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 29, 2025. On September 1, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 1, 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 ("Administrator Domain, PrivacyGuardian.org llc") and contact information in the Complaint. The Center sent an email communication to the Complainant on September 1, 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 September 2, 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 September 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 24, 2025.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on September 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 Complainant is a multinational food processing and commodities trading corporation, founded in 1902 and headquartered in Chicago, Illinois, which has operated under the ADM brand since 1923. The Complainant conducts business in over 200 countries, owns more than 800 facilities, and employs over 38,000 people worldwide. In 2023, its global net sales amounted to USD 93 billion. Originally established as a food and ingredients company, its operations now extend to printing and publishing, financial and business management services (including commodities brokerage), fuel production, logistics (such as agricultural storage and transportation), as well as research and development.

The Complainant owns numerous trademark registrations of the ADM brand, including the following:

- United States Trademark Registration No. 1,386,430, ADM, registered on March 18, 1986, in classes 1, 4, 12, 16, 29, 30, 31, 33, and 39;
- United States Trademark Registration No. 2,766,613, ADM, registered on September 23, 2003, in classes 16, 35, 36, and 42;
- United States Trademark Registration No. 7,689,652, ADM, figurative mark, registered on February 11, 2025, in class 40, with the following graphic representation:



- Turkish Trademark Registration No. 2017-88423, ADM, registered on April 3, 2018, in classes 1, 29, 30, 31, and 32; and
- Turkish Trademark Registration No. 2001-014800, ADM, registered on April 17, 2003, in classes 1, 4, 5, 12, 16, 29, 30, 31, 33, 35, 39, and 42.

(hereinafter collectively referred to as the “ADM mark”).

Prior decisions under the UDRP have recognized the worldwide reputation of the ADM mark. See, e.g., *Archer-Daniels-Midland Company v. Truehost Cloud, Truehostcloud LTD*, WIPO Case No. [D2025-0997](#); *Archer-Daniels-Midland Company v. ADM, ADM*, WIPO Case No. [D2023-5357](#); and *Archer-Daniels-Midland Company v. Name Redacted*, WIPO Case No. [D2016-1618](#).

The Complainant maintains a global online presence through multiple websites, with “www.adm.com” serving as its primary website. The Complainant’s domain name <adm.com> was registered on October 12, 1994.

The disputed domain name was registered on August 21, 2025, and is currently blocked, displaying a suspected phishing warning message. According to evidence provided by the Complainant, the domain previously resolved to an English-language website that displayed the ADM mark, preceded by a green leaf logo, in both the header and footer (replicating the same graphic representation and color scheme registered and used by the Complainant on its primary website). The website associated with the disputed domain name purportedly offered for sale various vehicles, including cars and trucks, as well as related services, such as financing and leasing, vehicle repair and maintenance, roadside assistance, and vehicle delivery and transportation services. This site included testimonials from purportedly satisfied clients, multiple email

addresses, a contact form, and a listed location in Türkiye. It did not provide any information about the owner of the website or the disputed domain name, nor did it clarify its lack of affiliation with the Complainant or its brand. The copyright notice on the site read: “Copyright © 2025 ADM Besin Ltd. | Powered by Dental Clinic.”

## **5. Parties’ Contentions**

### **A. Complainant**

The Complainant asserts 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 the disputed domain name is confusingly similar to its trademark, as it prominently incorporates the clearly recognizable ADM mark, followed by the Turkish term “besin,” meaning “food,” separated by a hyphen, which enhances the confusing similarity, given that the Complainant is an international producer and manufacturer of human and animal nutrition products.

The Complainant further asserts that the Respondent has no rights or legitimate interests with respect to the disputed domain name. The Respondent is not commonly known by the name “adm-besin.com”, and is neither making a bona fide offering of goods or services nor engaging in a legitimate noncommercial or fair use of the disputed domain name. The disputed domain name is used as part of a fraudulent impersonation scheme intended to mislead users into believing they are purchasing goods and services from ADM.

The Complainant finally contends that the disputed domain name has been registered and used in bad faith. The Respondent intentionally seeks to capitalize on the goodwill and reputation of the Complainant’s trademark by means of a fraudulent website purportedly offering vehicles and related services, which prominently displays the ADM mark and logo. This impersonation and fraudulent use of the website establishes grounds for a finding of bad faith.

### **B. Respondent**

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

## **6. Discussion and Findings**

The Complainant has made the relevant assertions under the Policy, and the dispute falls properly within its scope. The Panel has the authority to decide the dispute by examining the three elements set forth in paragraph 4(a) of the Policy, taking into account all relevant evidence, annexed materials, and submissions. The Panel may also conduct limited independent research pursuant to its general powers, as articulated, inter alia, in paragraph 10 of the Rules.

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

It is well established that the first element serves primarily as a standing requirement. The standing (or threshold) test for confusing similarity entails a reasoned yet 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 demonstrated rights in respect of a trademark or service mark for the purposes of the Policy, namely the ADM mark. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the ADM mark is fully reproduced and remains clearly recognizable within the disputed domain name. Accordingly, the disputed domain name is considered confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, such as, in the present case, the term “besin” (which can mean “food” in Turkish) separated by a hyphen, may be relevant to the assessment of the second and third elements, the Panel finds that such addition does not preclude 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.

Further, the relevant Top-Level-Domain (“TLD”) in a domain name is considered a standard registration requirement and is therefore typically disregarded for the purposes of the first element of the confusing similarity test. [WIPO Overview 3.0](#), section 1.11.

Accordingly, the Panel concludes that the first element of the Policy has been established.

## **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy enumerates the circumstances under which the Respondent may establish 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 demonstrating 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.

The Panel notes that the Respondent’s name, as provided in the Registrar verification, does not correspond to the terms in the disputed domain name, which contains the ADM mark followed by the Turkish word “besin” (meaning “food”). There is no evidence on record that the Respondent is commonly known by the disputed domain name. Furthermore, a search of WIPO’s Global Brand Database confirms that the Respondent holds no trademark registrations for these terms. <sup>1</sup>

The Panel further observes that, while the website associated with the disputed domain name purports to offer vehicles and related services—an industry in which the Complainant does not seem to operate—it provides no information regarding the owner of the website or the disputed domain name. Further, the site prominently displays the Complainant’s ADM mark with the same graphic representation and color scheme as the Complainant’s, thereby suggesting affiliation or endorsement. According to the evidence provided by the Complainant, the site displayed, alongside references to the ADM mark and a company named “ADM Besin Ltd.” depictions of the Complainant’s ADM mark and green leaf logo in the header and footer. Under these circumstances, the Respondent’s website cannot be considered a bona fide offering of goods or services under the Policy, as it intentionally creates confusion with the Complainant, its trademarks, and business, leveraging the ADM mark’s reputation to drive traffic to the Respondent’s website and promote unrelated goods and services.

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<sup>1</sup>Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. [WIPO Overview 3.0](#), section 4.8.

Furthermore, even when a domain name comprises a trademark plus an additional term, UDRP panels have generally held that such a composition cannot constitute fair use if it effectively impersonates or implies sponsorship or endorsement by the trademark owner. A key factor in assessing fair use is whether the disputed domain name falsely implies affiliation with the Complainant's trademark. The disputed domain name incorporates the ADM mark followed by the term "besin" ("food" in Turkish), separated by a hyphen, which is closely associated with the Complainant because it pertains to one of the industries in which the Complainant operates. Therefore, the Panel considers that the composition of the disputed domain name creates a risk of implied affiliation with the Complainant and its trademark.

Additionally, the use of the disputed domain name to direct users to a website impersonating the Complainant cannot constitute a bona fide offering of goods or services and cannot confer rights or legitimate interests on the Respondent under any circumstances. Panels have held that the use of a domain name for illegitimate or illegal activities, including impersonation/passing off, or other fraudulent acts through the Respondent's use of the Complainant's trademarks on its website, can in no circumstances confer rights or legitimate interests on the Respondent, as held, e.g., in *Springer Nature Limited v. Registration Private, Domains By Proxy, LLC / Collections Springer Nature*, WIPO Case No. [D2020-0955](#), and [WIPO Overview 3.0](#), section 2.13.1.

The Panel also takes into account the Complainant's allegations that the disputed domain name may be used for phishing, in view of the Respondent's website inviting Internet users to interact, send emails to multiple addresses, or use a contact form.

Consequently, 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 enumerates non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith; other circumstances may also be relevant in assessing whether a Respondent's registration and use of a domain name constitutes bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes the ADM mark's long-standing (over a century) and worldwide reputation, coupled with the inclusion of this mark in the disputed domain name along with an additional term ("besin," meaning "food" in Turkish), which closely relates to the Complainant's business and is unrelated to the content of the Respondent's website, which purportedly offers vehicles and related services. Given that the food industry is one of the Complainant's primary and original core businesses, this indicates that the disputed domain name was registered in bad faith.

Further, the content of the Respondent's website, which intentionally generates confusion and targets the Complainant and its trademarks for commercial gain, together with the other circumstances of this case, indicate the registration and use in bad faith of the disputed domain name.

The Respondent's impersonation or passing off of the Complainant, through the use of similar versions of the Complainant's figurative marks and its green leaf logo, references to the ADM mark, and the complete absence of any information about the website's owner or its lack of relationship with the Complainant and its reputed trademark, supports a finding of the Respondent's bad faith under the Policy. Panels have held that the use of a domain name for illegitimate or unlawful activities, including impersonation or passing off, constitutes bad faith under the Policy. [WIPO Overview 3.0](#), sections 3.4 and 3.7.

Additionally, the Panel has conducted an Internet search for the terms "ADM besin," yielding numerous results related to the Complainant and its ADM mark. Notably, one of the top results is the Complainant's

Turkish market page, which mentions ADM Besin ve Tarım A.Ş as its subsidiary for Türkiye, along with other results identifying the Complainant's subsidiary as ADM Besin Ltd. Therefore, the Panel considers that the disputed domain name closely reproduces the initial elements, or nearly the full name, of the Complainant's Turkish subsidiary. This constitutes an additional factor indicating, more likely than not, an intention to target the Complainant for opportunistic bad faith, and potentially for phishing or other fraudulent purposes, as alleged.

Therefore, having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name constitute bad faith under the Policy.

The possible blockage of the Respondent's website and current non-use of the disputed domain name do not preclude a finding of bad faith. UDRP panels have established that the non-use of a domain name (including a blank or "coming soon" page) does not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the record, the Panel notes the reputation of the Complainant's trademark, the composition of the disputed domain name, and all other factors indicating bad faith. In these circumstances, the current passive holding of the disputed domain name does not preclude a finding of bad faith under the Policy.

Therefore, the Panel finds that the Complainant has satisfied the third element under 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 <adm-besin.com> be transferred to the Complainant.

*/Reyes Campello Estebaranz/*

**Reyes Campello Estebaranz**

Sole Panelist

Date: October 9, 2025