

ADMINISTRATIVE PANEL DECISION

Archer-Daniels-Midland Company v. Jav dev
Case No. D2025-3615

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 Jav dev, Canada.

2. The Domain Name and Registrar

The disputed domain name <ad-midland.com> is registered with CloudFlare, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 5, 2025. On September 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 9, 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 (unknown / DATA REDACTED) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 10, 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 10, 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 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 6, 2025.

The Center appointed Mihaela Maravela as the sole panelist in this matter on October 9, 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

According to information in the Complaint, the Complainant was founded in 1902 and was initially a food and ingredients company. It now provides a variety of services, such as printing and publishing, financial and business management services, fuel production, including bioethanol and biodiesel, logistics services (agricultural storage and transportation services), and research and development services. The Complainant also provides financial services, including allowing consumers access to its various trading platforms, stock quotes, stock charts, and other stock related news. The Complainant conducts business in 200 countries, owns more than 800 facilities worldwide, and employs over 38,000 people.

The Complainant owns several trademark registrations in many jurisdictions around the world for ADM, including the United States Trademark Registration No. 1386430 for ADM, registered on March 18, 1986, in classes 1, 4, 12, 16, 29, 30, 31, 33 and 39, duly renewed, and the United States Trademark Registration No. 2766613 for ADM, registered on September 23, 2003, in classes 16, 35, 36 and 42, duly renewed.

The Complainant maintains an extensive presence online through its main website at the domain name <adm.com>.

The disputed domain name was registered on August 15, 2025, and it does not resolve to an active website. According to evidence with the Complaint, it was used in a Facebook post promoting what appears to be a fraudulent investment scheme. The post included several photos with the Complainant's registered trademark and its logo, replicating the same graphic representation and color scheme registered and used by the Complainant on its primary website, and stated, "INVESTMENT ADM the profit is paid out daily" with a hashtag of "#ADMinvestment". Also, the post promised investment bonuses for individuals who encouraged others to "join".

There is no information known about the Respondent apart from the details as they appear on the Whois record.

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 the disputed domain name is confusingly similar to the ADM trademark, as it completely incorporates the ADM trademark with a hyphen being introduced between the letters "ad" and "m". The use of "midland" is an obvious reference to the full corporate name of the Complainant. The Complainant further contends that the disputed domain name was clearly chosen to be confusingly similar to its ADM trademarks, especially given the appearance of ADM's registered trademarks in the associated Facebook post to promote a fraudulent scheme.

As regards the second element, the Complainant submits that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not commonly known by the disputed domain name. Further, the disputed domain name was registered and quickly used on Facebook to promote an investment scheme, impersonating the Complainant. The Respondent is not making a legitimate,

noncommercial or fair use of the disputed domain name without intent of commercial gain. Instead, the Respondent is using the disputed domain name to deceive individuals and to tarnish the ADM trademark. Further, the website is, as of August 28, 2025, inaccessible and blocked, which is an indication that the Respondent has not made preparations to use the disputed domain name for a bona fide offering of goods or services.

With respect to the third element, the Complainant argues that due to its promotion and continued global use of its name and brands, the Complainant has built up international goodwill and reliability in the ADM trademark among its consumers, the ADM trademark being now well-known and famous. As regards the use, the Complainant submits that shortly after it was registered, the disputed domain name appeared in a Facebook post originating from Indonesia promoting a fraudulent investment opportunity. The post included several photos with ADM's registered trademark logo, gave information on how to invest, and stated that inviting more individuals gives additional benefits including bonuses.

B. Respondent

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

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to "decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable". Likewise, paragraph 10(d) of the Rules, provides that "the Panel shall determine the admissibility, relevance, materiality and weight of the evidence".

No response has been received from the Respondent in this case. Even if the Respondent has not replied to the Complainant's contentions, the Complainant still bears the burden of proving that all requirements are fulfilled. To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights, (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name, and (iii) the disputed domain name has been registered and is being used in bad faith.

The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.2. Concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the reasonable factual allegations in the Complaint as true. [WIPO Overview 3.0](#), section 4.3.

The Panel has taken note of the [WIPO Overview 3.0](#), and, where appropriate, will decide consistently with the consensus views stated therein.

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 the trademark ADM 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 name, as the disputed domain name replicates the same three letters found in the ADM trademark and in the same order. The hyphen separating the second letter from the third is of minimal distinction. 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, “midland”) 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.

It is the settled view of panels applying the Policy that the Top-Level Domain (“TLD”) (here “.com”) may be disregarded under the first element test as it is viewed as a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1. Thus, the Panel disregards the TLD “.com” for the purposes of the confusing similarity test.

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.

There is no evidence that the Respondent is using the disputed domain name in connection with a bona fide offering of goods or services or that the Respondent is making a legitimate noncommercial or fair use of the disputed domain name. Rather, according to the unrebutted evidence put forward by the Complainant, the Respondent used the disputed domain name to appear in a Facebook post that used the Complainant’s name and registered trademark and its logo to promote what appears to be a fraudulent investment scheme. The above-mentioned Facebook post displayed the Complainant’s ADM mark and green leaf logo with the same graphic representation and color scheme as the Complainant is using on its main website, thereby suggesting affiliation or endorsement. 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. See section 2.13 of the [WIPO Overview 3.0](#).

The Panel also takes into account the Complainant’s allegations that the disputed domain name may be used for phishing or other type of fraud, in view of the Respondent’s post inviting Internet users to register and to invest, which most likely involves introducing personal data.

In this respect, panels have held that the use of a domain name for illegal activity (here claimed impersonation/passing off, phishing, or other fraudulent acts) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Also, there is no evidence that the Respondent is commonly known by the disputed domain name. The Panel notes that the Respondent's name, as provided in the Registrar verification, does not correspond to any of the terms in the disputed domain name.

By not replying to the Complainant's contentions, the Respondent has failed to invoke any circumstances which could demonstrate any rights or legitimate interests in the disputed domain name. Accordingly, the Panel gives prevalence to the Complainant's affirmation that it has not granted the Respondent any license to use the disputed domain name.

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.

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 was registered many years after the Complainant has obtained registration of its ADM trademarks, which is a long-standing (over a century) and reputed trademark. See e.g., *Archer-Daniels-Midland Company v. Truehost Cloud, Truehostcloud LTD*, WIPO Case No. [D2025-0997](#). The disputed domain name is confusingly similar to the Complainant's trademarks and it includes "midland", which is part of the commercial name of the Complainant. The disputed domain name was used in a Facebook post that used the Complainant's name and registered trademark logo. Under these circumstances, it is most likely that the Respondent was aware of the Complainant's trademark at the registration of the disputed domain name and sought to take advantage of it.

As regards the use, according to the unrebutted evidence submitted by the Complainant, the Respondent used the disputed domain name shortly after registration in a Facebook post that used the Complainant's name and registered trademark and its logo to promote what appears to be a fraudulent investment scheme, displaying a link for registration (likely seeking personal information). Such unrebutted evidence, the content of the Respondent's post, which intentionally generates confusion and targets the Complainant and its trademarks for commercial gain, the complete absence of any information about the lack of relationship with the Complainant and its reputed trademark, the fact that the Complainant is active also in the field of financial services, together with the other circumstances of this case, indicate the registration and use in bad faith of the disputed domain name. Panels have held that the use of a domain name for illegitimate or unlawful activities, including impersonation or passing off, phishing, or other type of fraud constitutes bad faith under the Policy. [WIPO Overview 3.0](#), sections 3.4.

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 current non-use of the disputed domain name and it possibly being blocked, does not preclude a finding of bad faith in the circumstances of the case. 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.

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 <ad-midland.com> be transferred to the Complainant.

/Mihaela Maravela/

Mihaela Maravela

Sole Panelist

Date: October 20, 2025