

ADMINISTRATIVE PANEL DECISION

International Business Machines Corporation v. luna feranisa and Dewi Dewi, Games

Case No. D2025-3617

1. The Parties

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

The Respondents are luna feranisa, Indonesia, and Dewi Dewi, Games, Indonesia.

2. The Domain Names and Registrars

The disputed domain names <ayoibm.cfd>, <ayoibm.site>, <ayoibm.xyz>, <ibmsukses.online>, <ibmsukses.site>, <ibmsukses.space>, <ibmsukses.store>, <ibmsukses.website>, <7ibmkota.cfd>, <7ibmkota.lol>, <7ibmkota.site> and <7ibmkota.xyz> are registered with NameCheap, Inc (the "Registrar"). The disputed domain names <ibmtoto.art> and <ibmtoto.online> are registered with GoDaddy.com, LLC (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 Registrars a request for registrar verification in connection with the disputed domain names. On September 8 and 9, 2025, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent ("John Doe") and contact information in the Complaint. The Center sent an email communication to the Complainant on September 10, 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 names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amendment to the Complaint on September 12, 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 Respondents of the Complaint, and the proceedings commenced on September 17, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 8, 2025. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on October 13, 2025.

The Center appointed Vincent Denoyelle as the sole panelist in this matter on October 22, 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 designs and manufactures a wide array of products that record, process, communicate, store and retrieve information, including computers and computer hardware, software, and accessories. The Complainant was incorporated on June 16, 1911 and has been offering products under the trade mark IBM since 1924. In 2024, the Complainant was ranked the 16th most valuable global brand by BrandZ and the 19th best global brand by Interbrand.

The Complainant owns numerous trade mark registrations for IBM including the following trade marks:

- United States figurative trade mark IBM registration no. 4,181,289 registered on July 31, 2012;
- United States figurative trade mark IBM registration no. 3,002,164 registered on September 27, 2005;
- United States figurative trade mark IBM registration no. 1,696,454 registered on June 23, 1992; and
- United States word trade mark IBM registration no. 1,694,814 registered on June 16, 1992.

The disputed domain names were registered at the dates shown in the table below:

Disputed domain name	Registration date
<ayoibm.cfd>	February 11, 2025
<ayoibm.site>	February 11, 2025
<ayoibm.xyz>	February 11, 2025
<ibmsukses.online>	January 5, 2025
<ibmsukses.site>	January 5, 2025
<ibmsukses.space>	January 5, 2025
<ibmsukses.store>	January 5, 2025
<ibmsukses.website>	January 5, 2025
<7ibmkota.cfd>	July 13, 2025
<7ibmkota.lol>	July 13, 2025
<7ibmkota.site>	July 13, 2025
<7ibmkota.xyz>	July 13, 2025
<ibmtoto.art>	December 1, 2024
<ibmtoto.online>	December 1, 2024

Ten of the fourteen disputed domain names redirect to the same website containing several hyperlinks including to Live Chat websites and displaying at the top the IBM logo of the Complainant. The disputed domain name <ayoibm.cfd> resolves to a page displaying the Complainant's trade mark and online gambling content. The disputed domain names <7ibmkota.lol>, <7ibmkota.site>, and <7ibmkota.xyz> resolve to websites displaying the Complainant's trade mark and gambling content.

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 that all of the disputed domain names include the exact letters of the Complainant's IBM trade mark and that the minor variations in each disputed domain name do not obviate the confusing similarity between any of the disputed domain names and the IBM trade mark of the Complainant.

The Complainant asserts that it has never licensed, contracted, or otherwise permitted anyone to apply to register the disputed domain names. Furthermore, the Complainant avers that there is no evidence that the Respondents are using any of the disputed domain names incorporating the IBM trade mark for a bona fide offering of goods or services and that on the contrary, the Respondents have been actively using the IBM trade mark in the disputed domain names for a multitude of illegitimate ways, including to derive illegitimate commercial gains by attracting Internet users to online gambling websites, and secondly, to gather sensitive personal information from visitors of the "linktree" style webpages displaying the Complainant's IBM eight-bar logo.

Turning to bad faith, the Complainant contends that given the fame of its IBM trade mark, the Respondents would have been aware of it when they registered the disputed domain names and that they were precisely registered to target the Complainant, in an opportunistic bad faith effort. The Complainant points to the use of the various disputed domain names to derive illegitimate commercial gains by directing Internet users to online gambling websites and gather personal information, to conclude that the disputed domain names are used in bad faith.

B. Respondents

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

6. Discussion and Findings

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

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:

- Ten of the fourteen disputed domain names redirect to the same website;
- Twelve of the fourteen disputed domain names are registered to a person bearing the same name and the other two (<ibmtoto.online> and <ibmtoto.art>) are registered using an email address that is almost identical to the one used for most of the twelve disputed domain names registered to a person bearing the same name.

In light of this, there is no doubt that all disputed domain names are subject to common control.

As regards fairness and equity, 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 names. [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the IBM trade 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.

Although the addition of other terms here, respectively "ayo", "sukses", "7", "kota" and "toto", may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the respective disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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.

The Panel notes that ten of the fourteen disputed domain names redirect to the same website containing several hyperlinks including to Live Chat websites and displaying at the top the IBM logo of the Complainant. The disputed domain name <ayoibm.cfd> resolves to a page displaying the Complainant's trade mark and online gambling content. The disputed domain names <7ibmkota.lol>, <7ibmkota.site>, and <7ibmkota.xyz> resolve to websites displaying the Complainant's trade mark and gambling content.

In light of this and given the absence of license or authorization from the Complainant and the absence of any response from the Respondent, the Panel finds that the disputed domain names are used in a manner that cannot qualify as a *bona fide* offering, or a legitimate noncommercial or fair use or any other expression of a right or legitimate interest in any of the disputed domain names.

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 notes that all disputed domain names reproduce the exact IBM trade mark of the Complainant and this cannot be a coincidence given the overall circumstances of the present case including: (i) the renown of the Complainant's IBM trade mark, as found by previous UDRP panels and; (ii) the fact that the disputed domain names were registered relatively recently and many years after the registration of the trade mark IBM.

Thus, the Panel finds that the disputed domain names were registered in bad faith.

As for the use of the disputed domain names in bad faith, the Panel considers that the disputed domain names are used in bad faith.

Most of the disputed domain names redirect to a website containing several hyperlinks including to Live Chat websites and displaying at the top the IBM logo of the Complainant or to different gambling websites. This type of use of the disputed domain names falls squarely within the types of uses the Policy is designed to tackle and demonstrate the Respondent's intent to freeride on the Complainant's trade mark and goodwill in order to generate undue profit for the Respondent, to the detriment of the Complainant and its customers.

The disputed domain names were thus registered to attract Internet users by taking unfair advantage of and creating a likelihood of confusion with the Complainant's trade mark.

The fact that the Respondent chose not to object to the Complainant's assertions can only reinforce the Panel's view that the disputed domain names are used in bad faith.

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 <ayoibm.cfd>, <ayoibm.site>, <ayoibm.xyz>, <ibmsukses.online>, <ibmsukses.site>, <ibmsukses.space>, <ibmsukses.store>, <ibmsukses.website>, <ibmtoto.art>, <ibmtoto.online>, <7ibmkota.cfd>, <7ibmkota.lol>, <7ibmkota.site> and <7ibmkota.xyz> be transferred to the Complainant.

/Vincent Denoyelle/

Vincent Denoyelle

Sole Panelist

Date: November 5, 2025