

## **ADMINISTRATIVE PANEL DECISION**

International Business Machines Corporation v. no lar frank and aaa aa  
Case No. D2025-4558

### **1. The Parties**

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

The Respondents are no lar frank, Philippines, and aaa aa, Singapore.

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

The disputed domain names <ibmtouson.com> and <ibmtouson.email> are registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 4, 2025. On November 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On November 5, 2025, the Registrar transmitted by email to the Center its verification response 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 November 6, 2025, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) 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 November 13, 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 November 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 9, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 12, 2025.

The Center appointed Rodrigo Azevedo as the sole panelist in this matter on December 18, 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 International Business Machines Corporation ("IBM"), a multinational technology and consulting company incorporated in the United States and headquartered in Armonk, New York.

The Complainant has used the trademark IBM for more than a century in connection with a broad range of information technology products and services, including computer hardware and software, artificial intelligence, cloud computing, and consulting services.

The Complainant is the owner of numerous trademark registrations for the mark IBM in jurisdictions worldwide, including the United States registrations:

- Reg. No. 4181289, registered on July 31, 2012;
- Reg. No. 3002164, registered on September 27, 2005;
- Reg. No. 1696454, registered on June 23, 1992.

The Complainant also owns the domain name <ibm.com>, registered on March 19, 1986.

The disputed domain names <ibmtouson.com> and <ibmtouson.email> were registered on April 28, 2025, and September 25, 2025, respectively.

None of the disputed domain names are currently linked to any active website. However, the Complainant brought evidence that the disputed domain name <ibmtouson.com> was recently hosting a cryptocurrency site and that the Respondent has configured an email server on the disputed domain name <ibmtouson.email>. On August 10, 2025, an individual reported a suspected scam associated with the disputed domain name <ibmtouson.com> to the Complainant's cyber security team. On August 11, 2025, the Complainant sent a cease-and-desist letter directed to the Respondents through the Registrar.

#### **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:

(i) The disputed domain names are identical or confusingly similar to the Complainant's trademark. The Complainant asserts that it owns longstanding rights in the IBM trademark, which is distinctive and widely recognized. The disputed domain names incorporate the IBM mark in its entirety, combined with the term "touson," which the Complainant argues is a misspelling of "Tucson". The addition of a geographic term or common misspelling does not prevent a finding of confusing similarity.

(ii) The Respondents have no rights or legitimate interests in the disputed domain names. The Complainant states that it has not licensed or otherwise authorized the Respondents to use its IBM trademark in any way. The Respondents are not commonly known by the disputed domain names, nor are the Respondents making a legitimate noncommercial or fair use of the disputed domain names. The Complainant contends that the disputed domain names are being used in a manner that misleads Internet users into believing they are associated with IBM, mainly as a result of the link to a cryptocurrency site (in the case of the disputed domain name <ibmtouson.com>) and the activation of email services (in the case of the disputed domain name <ibmtouson.email>).

(iii) The disputed domain names were registered and are being used in bad faith. The Complainant alleges that the Respondents registered the disputed domain names with full knowledge of the IBM mark, which is famous and globally recognized. The Complainant has provided evidence that the disputed domain names were used to impersonate IBM and facilitate fraudulent email schemes, thereby misleading third parties and tarnishing the IBM brand. The use of privacy services and identical DNS providers further suggests an attempt to conceal identity and supports a finding of bad faith.

## **B. Respondents**

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

## **6. Discussion and Findings**

### **A. Procedural issue: Consolidation of Respondents**

The Complainant alleges that both the disputed domain name registrants are either the same entity or are under common control.

The Complainant believes that the information given for the Registrant of <ibmtouson.com> and <ibmtouson.email> is not associated with any real persons or known entities. First, "Aaa Aa" is not a real name, and similarly the repeated sequences of the letter "a" for the address and phone number associated with <ibmtouson.email> suggest that this is not legitimate contact information. Furthermore, the postal address and the phone number seem not to be valid.

The Panel notes that neither of the Respondents has challenged the Complainant's assertions in this respect. 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. Whilst neither the Policy nor the Rules expressly provides for the consolidation of claims against multiple respondents into a single administrative proceeding, the principles applied by panels considering requests for consolidation are set out at section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") which explains that: "Where a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario." See also *Speedo Holdings B.V. v. Programmer, Miss Kathy Beckerson, John Smitt, Matthew Simmons*, WIPO Case No. [D2010-0281](#). The Panel accepts that, for the reasons given by the Complainant, the evidence, in combination, points to both the disputed domain names being under common control. The Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party. In these circumstances, it is procedurally efficient, as well as fair and equitable to all Parties, for the Complainant's case in respect of both the disputed domain names to be dealt by means of a single Complaint. The Respondents are referred to in the remainder of this decision as "the Respondent".

### **B. 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.

Annexes 4.1 to 4.8 of the Complaint show numerous trademark registrations for IBM since 1957. Based on the available record, the Panel finds 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 disputed domain names incorporate the Complainant's trademark IBM, with the addition of the expression "touson" as a suffix. The disputed domain names also present the gTLD extensions ".com" and ".email", respectively.

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

It is also well established that the addition of a gTLD (such as ".com" and ".email") is typically disregarded when determining whether a domain name is confusingly similar to a complainant's trademark as such is viewed as a standard registration requirement. [WIPO Overview 3.0](#), section 1.11.1.

Therefore, the Panel finds the disputed domain names are confusingly similar to the Complainant's trademark and that the first element of the Policy has been established.

### **C. 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 finds no indication that the Respondent is commonly known by the disputed domain names.

The Complainant has asserted that the Respondent is not an authorized representative, nor has obtained any permission for registering the disputed domain names. The Panel finds that the nature of the disputed domain names, comprising the Complainant's famous trademark, and respectively connected to a cryptocurrency website and to email services, may indicate an awareness of the Complainant and its trademark and an intent to take unfair advantage of such, which does not support a finding of any rights or legitimate interests.

Furthermore, the Panel finds that the composition of the disputed domain names carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

Based on the available record, the Panel finds the second element of the Policy has been established.

#### **D. 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 names both include the distinctive trademark IBM in its entirety. According to the [WIPO Overview 3.0](#), section 3.1.4, UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith.

Actually, when the disputed domain names were registered in 2025, the IBM trademark was already famous and had been directly connected with the Complainant's products and services worldwide for many decades.

The Panel believes that – taking into consideration the worldwide fame of the IBM brand – the addition of the term "touson" is not enough to disassociate the disputed domain names from the IBM trademark owned by the Complainant.

At the time of the decision, the disputed domain names do not resolve to any active websites. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, the composition of the disputed domain names, and the implausibility of any good faith use to which the disputed domain names may be put due to their nature, and finds that in the circumstances of this case the passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

The Panel also concludes that it is unlikely that the Respondent was not aware of the Complainant's trademark and that the registration of the disputed domain names were mere coincidences, especially considering that the Complainant brought evidence that the disputed domain name <ibmtouson.com> was recently linked to a website exploiting the Complainant's brand in connection with cryptocurrency services and the disputed domain name <ibmtouson.email> was used to configure an email server whose messages would easily be interpreted as coming from the Complainant.

The Panel holds that the Respondent is intentionally attempting to create a likelihood of confusion with the Complainant's trademark as to the source, affiliation, or endorsement of the disputed domain names.

Therefore, having reviewed the record, the Panel finds the registration and use of the disputed domain names constitute bad faith 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 names <ibmtouson.com> and <ibmtouson.email> be transferred to the Complainant.

*/Rodrigo Azevedo/*

**Rodrigo Azevedo**

Sole Panelist

Date: January 1, 2026