

ADMINISTRATIVE PANEL DECISION

International Business Machines Corporation v. wai mai
Case No. D2025-4607

1. The Parties

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

The Respondent is wai mai, Hong Kong, China.

2. The Domain Names and Registrar

The disputed domain names are <ibm-56f7.com>, <ibm-7f3d.com>, and <ibm-7y84.com> (collectively, the “Disputed Domain Names”). The Disputed Domain Names are registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on November 6, 2025. On November 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Names. On November 10, 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 17, 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 amended Complaint in English on November 21, 2025.

On November 17, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the Disputed Domain Names is Chinese. On November 21, 2025, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

The Center verified that the Complaint together with the amended 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 in Chinese and English of the Complaint, and the proceedings commenced on November 26, 2025. In accordance with the Rules, paragraph 5, the due date for the Response was December 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 18, 2025.

The Center appointed Rosita Li as the sole panelist in this matter on December 23, 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 one of the world's leaders in information technology and has long been a leading innovator in the design and manufacture of products that record, process, communicate, store, and retrieve information, including computers and computer hardware, software, and accessories. The Complainant was incorporated in 1911, and on February 14, 1924, adopted the name International Business Machines, under which it has offered products identified by the abbreviation of its trade name "IBM". The Complainant is headquartered in Armonk, New York, United States, and promotes its business at the website "www.ibm.com".

The Complainant has owned and is the owner of trademark registrations for IBM in over 131 countries, including but not limited to the following registrations in the United States:

1. United States Registration No. 4,181,289 for IBM, registered on July 31, 2012, in Classes 9, 16, 18, 20, 21, 22, 25, 28, 35, and 41;
2. United States Registration No. 3,002,164 for IBM, registered on September 27, 2005, in Class 9;
3. United States Registration No. 1,696,454 for IBM, registered on June 23, 1992, in Class 36;
4. United States Registration No. 1,694,814 for IBM, registered on June 16, 1992, in Class 36;
5. United States Registration No. 1,243,930 for IBM, registered on June 28, 1983, in Class 42;
6. United States Registration No. 1,205,090 for IBM, registered on August 17, 1982, in Classes 1, 9, 16, 37, and 41;
7. United States Registration No. 1,058,803 for IBM, registered on February 15, 1977, in Classes 1, 9, 16, 37, 41, and 42; and
8. United States Registration No. 640,606 for IBM, registered on January 29, 1957, in Class 9.

(collectively, the "IBM Trademarks").

The Complainant submits that, as a result of the high quality of the goods and services it has provided for over 100 years and its reputation as one of the leading innovators in the design and manufacture of information technology goods and services, the IBM Trademarks are famous and valuable assets of the Complainant. The Complainant further submits that IBM has been repeatedly recognised in independent rankings, including being ranked the 16th most valuable global brand in 2024 by BrandZ, being placed 49th on the Fortune U.S. 500 list. In 2024, the IBM Trademarks were valued at over USD 98 billion.

The Complainant states that it has devoted, and continues to devote, substantial resources to marketing its goods and services globally using the IBM Trademarks, and has undertaken extensive efforts to protect its

name and enforce the IBM Trademarks, including imposing strict quality control measures over goods and services offered in connection with the IBM Trademarks.

The Disputed Domain Names <ibm-7f3d.com>, <ibm-7y84.com>, and <ibm-56f7.com> were registered by the Respondent on May 8, 2025.

At the time of their creation, the Disputed Domain Names directed to webpages that displayed identical login-type content requesting user credentials. As of November 3, 2025, the Disputed Domain Names all resolved to error pages.

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. A summary of the Complainant's submissions is as follows:

(i) The Disputed Domain Names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights. The Complainant contends that:

- The Complainant owns and has owned trademark registrations for IBM in 131 countries for several decades, for a broad range of information technology-related goods and services, including computers and computer hardware, software and accessories;
- The Complainant's IBM Trademarks and company name are famous and valuable assets of the Complainant. Prior UDRP panels decision also concluded that the Complainant's IBM Trademarks are "well-known around the world...and is registered for decades" and "the 'IBM' letter trademark [is] used by [one] of the world's largest industrial corporations and without doubt [is] 'well known' within the meaning of Article 6bis of the Paris Convention"; and
- The Disputed Domain Names are identical or confusingly similar to the Complainant's IBM Trademarks. The Disputed Domain Names all consist of the element "ibm", followed by a hyphen "-", a string of seemingly random numbers and letters ("7f3d", "7y84", "56f7") and the ".com" generic Top-Level Domain ("gTLD"). The element "ibm" is identical to the Complainant's IBM Trademarks, with the only difference being the addition of the hyphen and the random numbers and letters. The inclusion of the hyphen sets the element "ibm" apart from the remaining characters in the Disputed Domain Names, which enhances the distinctiveness of the Complainant's IBM Trademarks in the Disputed Domain Names.

(ii) The Respondent has no rights or legitimate interests in respect of the Disputed Domain Names. The Complainant contends that:

- The Complainant has never licensed, contracted, or otherwise permitted any party to apply for or register the Disputed Domain Names incorporating the Complainant's IBM Trademarks, and there is no evidence that the Respondent is using the Disputed Domain Names for a bona fide offering of goods or services or for any fair use;
- The Respondent has been misusing the Complainant's IBM Trademark in the Disputed Domain Names in illegitimate ways. Prior to November 3, 2025, the Respondent has been intentionally attempting to create a likelihood of confusion by directing the Disputed Domain Names, which entirely encompass the Complainant's IBM Trademarks, to log-in webpages that are likely associated with stealing personal information of unsuspecting Internet users. As of November 3, 2025, all of the Disputed Domain Names are associated with phishing activities, distribution of malware, and proximity to other problematic domains;
- The Respondent's unauthorised use of the Complainant's IBM Trademarks in the Disputed Domain Names is likely to trick consumers into erroneously believing that the Complainant is somehow affiliated with the Respondent or endorses the Respondent's commercial activities, when no such relationship exists; and
- The Respondent has no evidence of any use or demonstrable preparations to use the Disputed Domain Names in connection with a bona fide offering of goods or services, the Respondent has not been

commonly known by the Disputed Domain Names, and the Respondent is not making a legitimate non-commercial or fair use of the Disputed Domain Names.

(iii) The Disputed Domain Names were registered and are being used in bad faith. The Complainant contends that:

- The Respondent's registration of the Disputed Domain Names, which incorporate the Complainant's IBM Trademarks and with meaningless strings of letters and/or numbers, with no relationship with the IBM Trademarks, is sufficient evidence of opportunistic bad faith;
- The Respondent either knew or should have known of the Complainant's IBM Trademarks at the time of registering the Disputed Domain Names on May 8, 2025;
- The Disputed Domain Names were registered at least 68 years after the Complainant established trademark rights in their IBM Trademarks, which indicates that the Respondent acted in bad faith at the time of registration of the Disputed Domain Names;
- Internet search engines yield results for the Complainant and its products or services when using "IBM", "IBM 7f3d", "IBM 7y84", and "IBM 56f7", as search terms indicates that a connection between the Complainant's IBM Trademarks and the Complainant has been firmly established;
- The Respondent knew or should have known about the Complainant's IBM-branded products and services at the time of registering the Disputed Domain Names. The Respondent's decision to register the Disputed Domain Names in spite of the overwhelming presence of the Complainant's products and services that could be gleaned from a simple Internet search should be considered bad faith;
- The Complainant sent cease-and-desist letters to the Respondent via the Registrar on May 30, 2025 and October 16, 2025, requesting that the Respondent disable and transfer the Disputed Domain Names to the Complainant. The Respondent did not reply to the cease-and-desist letters, which further supports a finding of bad faith; and
- The Respondent's undoubted familiarity with the Complainant's IBM Trademarks, the confusing similarity between the Disputed Domain Names and the IBM Trademarks, the use of the Disputed Domain Names to direct to a login page attempting to obtain personal information from unsuspecting users, and the association of the Disputed Domain Names with phishing activity and distribution of malware together constitute conclusive proof that the Disputed Domain Names were registered and have been used in bad faith.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the Disputed Domain Names is Chinese. Pursuant to paragraph 11(a) of the Rules, in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the following:

- (i) The Disputed Domain Names are registered in Latin script rather than Chinese script.
- (ii) The Disputed Domain Names originally resolved to login pages in English. As of the date of the Complaint, the Disputed Domain Names resolved to pages which displayed an English-language error message, generated by the hosting provider selected by the Respondent, which is an American company with English as its default language.

(iii) The Registrar's correspondence with the Complainant (including responses to cease-and-desist letters) has been conducted in English, its abuse-reporting webpages are in English and display prices in United States dollars, and publicly-available census data shows that English is the most widely-spoken language in both Singapore (where the Registrar is located) and California, United States (where the Complainant's counsel is located).

(iv) The Complainant is based in the United States and does not understand Chinese. Having the proceeding in Chinese and requiring the Complainant to translate the Complaint into Chinese would cause undue delay and impose significant additional expense.

The Respondent has not made any submissions with respect to the language of the proceeding and has not commented on the Complainant's request that the language of the proceeding be English.

In exercising its discretion to use a language other than that of the registration agreement, the Panel must act judicially and in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, as well as issues of time and cost (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all of the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues

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.

Based on the available materials, 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 Panel finds that the entirety of the Complainant's IBM Trademarks is reproduced 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, a hyphen and the random alphanumeric strings "56f7", "7f3d", and "7y84", 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 Disputed Domain Names and the Complainant's IBM Trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available materials, 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 recognised 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 Disputed Domain Names resolve to, or are associated with, login-type webpages requesting user credentials, and have been associated with possible phishing activity and the distribution of malware, rather than with any bona fide offering of goods or services or any legitimate noncommercial or fair use. Panels have held that the use of a domain name for illegal activity, such as claimed phishing, distributing malware, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

By using the Disputed Domain Names in connection with login-type webpages purporting to collect user credentials, the Respondent has falsely associated itself with the Complainant. Using the Complainant's well-recognized IBM Trademarks in the entirety of the Disputed Domain Names and failing to disclaim the relationship, or lack thereof, the Disputed Domain Names are free-riding on the reputation of the Complainant and creating an impression that the Respondent may be associated with the Complainant.

Although the Disputed Domain Names now resolve to inactive or error pages, the composition of the Disputed Domain Names incorporating the Complainant's IBM Trademarks in their entirety, together with their prior use as apparent phishing login pages, indicates that the Respondent's registration and use of the Disputed Domain Names is intended to capitalize on the goodwill and reputation of the Complainant's IBM Trademarks rather than for any legitimate noncommercial or fair use.

Based on the available materials, 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 the Respondent's registration of the Disputed Domain Names incorporates the Complainant's IBM Trademarks in their entirety. The Panel also notes that the registration of the Disputed Domain Names on May 8, 2025, is well after the Complainant first obtained and began using its registered IBM Trademarks and after the IBM Trademarks became well known and widely used in connection with information-technology-related goods and services worldwide. The Complainant has provided supporting materials to show its long-standing and extensive use and registration of the IBM Trademarks in numerous jurisdictions over many decades. The Panel accepts that the Complainant has been continuously using its IBM Trademarks and finds that it would not be plausible for the Respondent to claim that it was unaware of the Complainant and the IBM Trademarks. The Panel is prepared to find that the Respondent knew or should have known that the registration of the Disputed Domain Names would be confusingly similar to the Complainant's IBM Trademarks. [WIPO Overview 3.0](#), section 3.2.2. Accordingly, the Panel finds that the Respondent's registration of the Disputed Domain Names, which are confusingly similar to the Complainant's IBM Trademarks, is a clear indication of bad faith.

In accordance with paragraph 4(b)(iv) of the Policy, if by using the Disputed Domain Names the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant's mark as to source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location, such conduct is an indicator of bad faith on the part of the Respondent.

As elaborated in section 6.B above, and in the preceding paragraphs, the Respondent has used the Disputed Domain Names to attract Internet users by directing them to login-type webpages that solicit users' login credentials, and the Disputed Domain Names have been associated with possible phishing activity, malware distribution, and proximity to other problematic domain names. In doing so, the Respondent has been unfairly using the Complainant's IBM Trademarks in the Disputed Domain Names to promote a false association between the Disputed Domain Names and the Complainant and to obtain users' credentials and other personal information for possible fraudulent activities and commercial gain.

Panels have held that the use of a domain name for illegal activity, such as claimed phishing, distributing malware, or other types of fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the materials, the Panel finds that the Respondent's registration and use of the Disputed Domain Names constitute 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 Names <ibm-56f7.com>, <ibm-7f3d.com>, and <ibm-7y84.com> be transferred to the Complainant.

/Rosita Li/

Rosita Li

Sole Panelist

Date: January 6, 2026