

## **ADMINISTRATIVE PANEL DECISION**

Archer-Daniels-Midland Company v. Agutec Agu  
Case No. D2025-4939

### **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 Agutec Agu, Nigeria.

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

The disputed domain name <admfoodprocessing.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 November 26, 2025. On November 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 27, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 28, 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 on December 1, 2025.

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 of the Complaint, and the proceedings commenced on December 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 24, 2025.

The Center appointed Áron László as the sole panelist in this matter on January 2, 2026. 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 Archer-Daniels-Midland Company, an agribusiness founded in 1902. It serves consumers in 200 countries, owns more than 800 facilities worldwide, and employs over 38,000 people. In 2023, worldwide net sales at ADM were USD 93 billion. The Complainant is also known by its initials, ADM.

The Complainant owns numerous trademark registrations for the ADM sign such as:

- United States trademark registration No. 1386430, registered on March 18, 1986 (first use in 1923);
- United States trademark registration No. 2766613, registered on September 23, 2003; and
- United States trademark registration No. 2307492, registered on January 11, 2000.

The Complainant operates multiple web sites, including its main web site at the domain name <adm.com>.

The disputed domain name was registered on November 13, 2025. No content has been made available on the website at the disputed domain name which remains inactive.

The disputed domain name was used to send emails to at least two third-party companies, requesting quotes. The emails were sent to both companies from an email address “[...]@admfoodprocessing.com” used to impersonate one of the employees of the Complainant by using their name and initials.

The Respondent appears to be a private individual who is located in Nigeria, as indicated by the information disclosed by 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 name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to their trademark. The Complainant's ADM trademark is well known, which has been established by numerous panels in the past. The disputed domain name incorporates the Complainant's ADM trademark. The addition of the terms “food” and “processing” does not prevent a finding of confusing similarity with the Complainant's trademark, however, it rather increases the confusion.

The Complainant also contends 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. The disputed domain name was used to impersonate the Complainant. The Respondent is not making legitimate, noncommercial or fair use of the disputed domain name for the purpose of commercial gain. Instead, the Respondent is using it to deceive third-party businesses.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. Emails impersonating a Complainant employee were sent to the Complainant's vendors requesting a quote, and these emails were sent from the email address associated to the disputed domain name. The Respondent was aware of the Complainant and its trademark.

## **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 based on the statements and documents submitted in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable. Paragraph 4(a) of the Policy requires that a complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

- i. the domain name registered by the respondent 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 domain name; and
- iii. the domain name has been registered and is being used in bad faith.

In view of the Respondent's failure to submit a Response, the Panel shall decide this administrative proceeding based on the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a), and 15(a) of the Rules and draw such inferences as it considers appropriate pursuant to paragraph 14(b) of the Rules.

The Panel may accept all reasonable allegations set forth in a complaint. However, the Panel may deny relief where a complaint wholly contains mere conclusory or unsubstantiated arguments. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3.

### **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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. 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, "food" and "processing" 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 name 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 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.

Panels have held that the use of a domain name for illegal activity, here, impersonation/passing off as one of the Complainant's employees, particularly for phishing purposes, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 this case, the Panel notes that the Respondent is using the disputed domain name in connection with a fraudulent email scheme. Emails from the email address associated to the disputed domain name “[...]@admfoodprocessing.com” were sent to at least two vendors, using the name of a Complainant employee, requesting a quote. This constitutes bad faith registration and use of the disputed domain name under paragraph 4(b)(iv) of the Policy.

Furthermore, the disputed domain name was registered over one hundred years after the Complainant began using its trademark. The words “food” and “processing”, which appear in the disputed domain name and are descriptive of the Complainant's activities, further indicate that the Respondent was aware of the Complainant at the time the disputed domain name was registered.

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.

Panels have held that the use of a domain name for illegal activity, here, impersonation/passing off as one of the Complainant's employees, particularly for phishing purposes, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes 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 <admfoodprocessing.com> be transferred to the Complainant.

/Áron László/  
**Áron László**  
Sole Panelist  
Date: January 13, 2026