

ADMINISTRATIVE PANEL DECISION

International Business Machines Corporation v. Netlify Inc, Whois Agent
Case No. D2025-5301

1. The Parties

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

The Respondent is Netlify Inc, Whois Agent, US.

2. The Domain Name and Registrar

The disputed domain name <ibmthinkcoin.com> is registered with Name.com, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 18, 2025. On December 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 22, 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 (John Doe / REDACTED FOR PRIVACY (DT), Netlify Inc) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 23, 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 the same day.

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 December 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 13, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 19, 2026.

The Center appointed Dennis A. Foster as the sole panelist in this matter on January 21, 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 began doing business as International Business Machines (“IBM”) in 1924. In subsequent years, the Complainant invented and manufactured a variety of business machines and began manufacturing computers in the 1950s. Currently, IBM is one of the world’s best-known and most valuable trademarks. The Complainant spends over USD 1 billion per year on advertising and marketing using its IBM trademarks and logo.

A few of the Complainant’s worldwide IBM trademark registrations are as follows:

US trademark registration no. 4,181,289, registration date July 31, 2012, International Class 9 for operating system software, Int. Cl. 8 for hand tools, and Int. Cl. 6 for metals and wall plaques.

US trademark registration no. 3,002,164, registration date September 27, 2005, Int. Cl. 9 for magnetic recording tape.

A few of the Complainant’s THINK trademark registrations are as follows:

US trademark registration no. 4,137,437, registration date May 8, 2012, Int. Cl. 6 for metals and wall plaques, and Int. Cl. 16 for printed matter.

United Kingdom registration no. 00801078446, registration date May 22, 2013, Int. Cl. 6 and 16 per the above.

International Trademark registration no. 1,078,446, registration date December 23, 2010, Int. Cl. 6 per the above, Int. Cl. 16 for printed matter, Int. Cl. 18 for leather and its imitations, Int. Cl. 35 for advertising and business, and Int. Cl. 41 for teaching and entertainment. Designated countries include Australia, the European Union, Israel, Japan, Mexico, Singapore, Switzerland, China, and the Russian Federation.

The Respondent is an entity that registered the disputed domain name on June 5, 2025. The website at the disputed domain name prominently displays the Complainant’s IBM and THINK trademarks and logo and invites the public to participate in what appears to be a cryptocurrency investment, displaying a “contract address” and a button “recompile wallet”. There is a small disclaimer at the bottom of the website page denying any connection with the Complainant.

The Complainant sent the Respondent three cease-and-desist letters: on June 18, 2025, July 2, 2025, and November 19, 2025. The Respondent did not reply.

5. Parties’ Contentions

A. Complainant

- Within the meaning of paragraph 4(a)(i) of the Policy, the disputed domain name is identical or confusingly similar to the Complainant’s registered trademarks.
- The Complainant’s IBM and THINK trademarks comprise the entire disputed domain name except for the added term “coin”.

- The addition of “coin” is merely descriptive of a type of digital cryptocurrency, and further adds to the confusion as to the relationship between the Complainant and the Respondent.
- When the relevant trademarks are recognizable within a disputed domain name, the addition of other terms would not prevent a finding of identity or confusing similarity.
- The Complainant has never licensed or otherwise permitted the Respondent to register the disputed domain name.
- The Respondent has been using the disputed domain name to attempt to derive illegitimate commercial gain through cryptocurrency phishing and purported investment.
- The Respondent’s actions have created the appearance of affiliation with the Complainant where no such relationship exists.
- There is no evidence that the Respondent is using the disputed domain name for a bona fide offering of goods or services.
- The Respondent has not been commonly known by the disputed domain name.
- The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name.
- There is a presumption of bad faith inherent in the Respondent’s registration of the Complainant’s famous IBM trademark: it is opportunistic bad faith.
- The Respondent was well aware of the Complainant’s trademarks at the time the Respondent registered the disputed domain name.
- The Respondent makes numerous references to the Complainant’s trademarks and logos at the disputed domain name website in order to attract financial investment in its cryptocurrency business. In fact, an Internet search for the disputed domain name yields not just the Respondent’s website, but also the Complainant and its products and services.
- The Respondent’s small disclaimer at the bottom of the disputed domain name webpage is not sufficient to cure the bad faith from the deliberate and unauthorized association with the Complainant for financial gain.

B. Respondent

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

6. Discussion and Findings

Pursuant to Policy paragraphs 4(a)(i) - (iii), the Panel may render a decision for the Complainant and grant a transfer of the disputed domain name, if the Complainant establishes that:

- The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- The Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- The disputed domain name has been registered and is being used in bad faith

A. Identical or Confusingly Similar

The first order of business for the Complainant is to show that it has trademark rights in the letters “ibm” and the word “think”. For this purpose, the Complainant has annexed a number of its IBM and THINK trademarks detailed above in the Factual Background section. The Panel finds this is ample evidence that the Complainant does have trademark rights in these letters and word. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 1.2.1.

As to whether the disputed domain name is identical or confusingly similar to the Complainant’s trademarks, the Panel notes that the Respondent has added the descriptive or generic word “coin” to the Complainant’s trademarks in the disputed domain name. However, the Complainant’s trademarks are still instantly recognizable in the disputed domain name, and the Panel thus finds the disputed domain name is confusingly similar to the Complainant’s trademarks. [WIPO Overview 3.0](#), section 1.8. See *International Business Machines Corporation v. Adam Stevenson, Global Domain Services*, WIPO Case No. [D2016-1695](#) finding, as the Complainant points out, “that the disputed domain name, ibmresearchgroup.com, was confusingly similar to the trademark IBM, and that the addition of the descriptive phrase ‘researchgroup’ in the disputed domain name did not dispel the confusing similarity between the mark and the domain name.”

The Panel therefore finds that the Complainant has carried its burden of proof under Policy paragraph 4(a)(i) to show that the disputed domain name is confusingly similar to the Complainant’s IBM and THINK trademarks.

B. Rights or Legitimate Interests

The next burden of proof for the Complainant per Policy paragraph 4(a)(ii) is to show that the Respondent does not have rights or legitimate interests in the disputed domain name. Owing to the fact that it may be difficult for a Complainant to prove this negative proposition, the consensus of WIPO Panels is that initially it is sufficient for the Complainant to make out a prima facie case. If the Complainant succeeds, it is up to the Respondent to come forward with evidence that it does have rights or legitimate interests in the disputed domain name although the overall burden of proof remains on the Complainant. [WIPO Overview 3.0](#), section 2.1.

The Complainant contends that the Respondent has no authorization to use the Complainant’s trademarks in the disputed domain name, and indeed that the Respondent has no relationship at all with the Complainant. The Complainant also contends that the Respondent does not have rights or legitimate interests in the disputed domain name. Per Policy consensus, the Panel finds this constitutes a prima facie case. [WIPO Overview 3.0](#), section 2.1.

For its part, being in default, the Respondent has not come forward with evidence tending to rebut the Complainant’s prima facie case. Nonetheless, the Panel will examine the record to see whether the Respondent may have rights or legitimate interests in the disputed domain name as allowed under Policy paragraphs 4(c)(i), (ii) and (iii).

Beginning with Policy paragraph 4(c)(i), the Panel notes the Complainant has shown that the Respondent is using the disputed domain name website, replete with the Complainant’s logo and trademarks, to try to entice the Internet public into investing in the Respondent’s purported cryptocurrency scheme, all the while probably collecting personal and financial information from Internet users. The Panel finds the Respondent’s likely phishing scheme enacted using the Complainant’s identity is not a bona fide offering of goods or services per Policy paragraph 4(c)(i). The Panel will have more to say about this in the Bad Faith section below. [WIPO Overview 3.0](#), section 2.13.1.

Moving on to Policy paragraph 4(c)(ii), the Panel finds no evidence that the Respondent has been commonly known by the disputed domain name. Regarding Policy paragraph 4(c)(iii), the Respondent’s cryptocurrency scheme leaves no room for supposing that it is for anything other than financial gain.

The Panel thus finds the Complainant has carried its burden of proof under Policy paragraph 4(a)(ii) to show the Respondent has no rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The Policy at paragraph 4(b) sets out four non-exclusive circumstances under which a Respondent may be found to have registered and to be using a domain name in bad faith. The Panel finds paragraph 4(b)(iv) in particular is applicable to the present case because the Respondent has deliberately registered a domain name confusingly similar to the Complainant's two trademarks for financial gain.

Also, the Respondent's using the Complainant's logo and trademarks on the website of the disputed domain name in order to impersonate or at least create an impression of association with the Complainant and to implement the Respondent's dubious cryptocurrency phishing scheme are per se bad faith use of the disputed domain name. [WIPO Overview 3.0](#), section 3.4. The Panel finds the Respondent's tongue-in-cheek disclaimer at the bottom of the web page ("ThinkCoin is not affiliated with IBM. Obviously.") is ineffective if not insulting.

In further addition, the Panel finds that the worldwide fame of the Complainant's IBM trademark is such that the Respondent was in "opportunistic bad faith" when the Respondent included it in the disputed domain name because the Respondent could not have been unaware of the Complainant's famous trademark. See *Veuve Clicquot Ponsardin, Maison Fondée en 1772 v. The Polygenix Group Co.*, WIPO Case No. [D2000-0163](#) where the Panel found: "<veuveclicquot.org>" is so obviously connected with such a well-known product that its very use by someone with no connection with the product suggests opportunistic bad faith."

Per the above, the Panel finds the Complainant has carried its burden of proof under Policy paragraph 4(a)(iii) to show that the Respondent registered and is using the disputed domain name in bad faith.

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 <ibmthinkcoin.com> be transferred to the Complainant.

/Dennis A. Foster/

Dennis A. Foster

Sole Panelist

Date: February 4, 2026