

ADMINISTRATIVE PANEL DECISION

International Business Machines Corporation v. Gaurav Agarwal
Case No. D2026-1965

1. The Parties

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

The Respondent is Gaurav Agarwal, India.

2. The Domain Name and Registrar

The disputed domain name <ibmcareersindia.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 6, 2026. On May 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 8, 2026, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 8, 2026, 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 May 11, 2026.

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 May 13, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 2, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 4, 2026.

The Center appointed Ugur G. Yalçiner as the sole panelist in this matter on June 5, 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, International Business Machines Corporation, is a leading technology and consulting company with operations in more than 175 countries worldwide. Incorporated in 1911, the Complainant has used the IBM mark for more than a century in connection with technology products and services.

The Complainant owns numerous trademark registrations for the IBM mark worldwide, some of which are listed below:

- United States trademark registration IBM with registration No. 4,181,289, registered on July 31, 2012, in classes 9, 16, 18, 20, 21, 22, 25, 28, 35, and 41;
- United States trademark registration IBM with registration No. 3,002,164, registered on September 27, 2005, in class 9;
- United States trademark registration IBM with registration No. 640,606, registered on January 29, 1957, in class 9;
- India trademark registration IBM with registration No. 903730 (where the Respondent resides), renewed on February 15, 2020, in class 9

The disputed domain name was registered on March 11, 2026, and does not resolve to any active website.

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. The Complaint includes the following contentions:

(i) Identical or Confusingly Similar

The Complainant contends that it owns numerous trademark registrations for the IBM mark worldwide, including in the United States and India, and that the IBM mark has been used extensively for more than a century in connection with technology-related products and services. The Complainant further contends that the disputed domain name incorporates its IBM trademark in its entirety together with the terms "careers" and "india". According to the Complainant, these additional terms do not prevent a finding of confusing similarity under the Policy and the disputed domain name is confusingly similar to its IBM trademark.

(ii) Rights or Legitimate Interests

The Complainant alleges that it has not authorized the Respondent to use or register the IBM trademark as part of a domain name. The Complainant further contends that there is no evidence that the Respondent is commonly known by the disputed domain name or has used the disputed domain name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. According to the Complainant, the Respondent's use of the IBM trademark may falsely suggest an affiliation with the Complainant where no such relationship exists.

(iii) Registration and Use in Bad Faith

The Complainant contends that the IBM mark is well known worldwide and that the Respondent was aware of the Complainant's trademark rights when registering the disputed domain name. The Complainant further contends that the incorporation of the IBM trademark together with the terms "careers" and "india", the passive holding of the disputed domain name, the configuration of email servers associated with the disputed domain name, and the Respondent's failure to reply to the Complainant's cease-and-desist letters support a finding that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three elements are present:

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

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 of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 1.7.

The Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1. The Panel is satisfied that the Complainant is the owner of the trademark IBM registered in several jurisdictions.

The disputed domain name incorporates the Complainant's trademark IBM in their entirety, along with the additional terms "careers" and "india". In this regard, the Panel considers mere addition of the terms "careers" and "india" does not prevent a finding of confusing similarity with the Complainant's trademark, as the Complainant's IBM trademark is recognizable within the disputed domain name. [WIPO Overview 3.1](#), section 1.8.

It is an accepted principle that generic Top-Level Domains ("gTLDs"), in this case ".com", are to be typically disregarded in the consideration of the issue of whether a domain name is identical or confusingly similar to a Complainant's trademark. [WIPO Overview 3.1](#), section 1.11.1.

In the light of the above, the Panel finds that the disputed domain name is confusingly similar to the Complainant's registered trademarks and that the requirements in paragraph 4(a)(i) of the Policy are fulfilled.

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 3.1](#), 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.

The Panel notes that the Respondent does not have any registered trademark or trade name and no license or authorization of any other kind has been given to the Respondent by the Complainant to use its registered trademark. There is no evidence of the Respondent’s demonstrable preparations to use the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services, neither. The Panel points out that holding the disputed domain name passively does not constitute rights or legitimate interests to the Respondent in the disputed domain name in the circumstances of this case. Moreover, the Panel finds that the mere addition of the terms “careers” and “india” to the Complainant’s IBM trademark does not prevent the disputed domain name from suggesting sponsorship, endorsement, or affiliation with the Complainant. See [WIPO Overview 3.1](#), section 2.5.1.

As a result, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, and the requirements of paragraph 4(a)(ii) of the Policy are therefore fulfilled by the Complainant.

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 is satisfied with the relevant evidence filed by the Complainant showing that it owns trademark rights for IBM, which has been registered and used for many years prior to the registration of the disputed domain name.

The Panel is of the opinion that it is implausible for the Respondent to be unaware of the Complainant and its well-known trademark when the disputed domain name was registered, and the Respondent’s aim of the registration was to take an unfair advantage of the Complainant’s trademark. As the Respondent added the terms “careers” and “india” after the Complainant’s well-known trademark IBM, that gives an impression that the disputed domain name is owned and used by the Complainant. Several UDRP panels have held that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a well-known trademark by an unaffiliated entity, and particularly in the case of coined or fanciful marks, can by itself create a presumption of bad faith. [WIPO Overview 3.1](#), section 3.1.4.

The current passive holding of the disputed domain name does not prevent a finding of bad faith, and in fact, under the circumstances of this case reinforces the lack of any plausible good-faith explanation for the registration and use of the disputed domain name. [WIPO Overview 3.1](#), section 3.3. The Panel further notes that MX records have been configured for the disputed domain name and finds that, particularly in view of the terms “careers” and “india”, this circumstance does not support any plausible good-faith use of the disputed domain name.

The Complainant alleges that it had sent cease-and-desist letters to the Registrar and requested the Registrar to forward the letters to the Respondent on March 23, 2026 and April 6, 2026, before filing the Complaint, but the Respondent has not responded to the letters. Referring to the Panel's consideration in *Bayerische Motoren Werke AG v. (This Domain is For Sale) Joshuathan Investments, Inc.*, WIPO Case No. [D2002-0787](#), and considering the reasons above, the Panel is of the opinion that the failure to reply to the Complainant's letters and to the Complaint further supports the Panel's finding of bad faith in the circumstances of this case.

Having considered all the facts in this case, the Panel finds that the Complainant has sustained its burden of proof in showing that the disputed domain name was registered and is being used 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 <ibmcareersindia.com> be transferred to the Complainant

/Ugur G. Yalçiner/

Ugur G. Yalçiner

Sole Panelist

Date: June 18, 2026