

ADMINISTRATIVE PANEL DECISION

International Business Machines Corporation v. Ram Harsha
Case No. D2026-2187

1. The Parties

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

The Respondent is Ram Harsha, India.

2. The Domain Name and Registrar

The disputed domain name <hribm.org> 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 20, 2026. On May 21, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 21, 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 27, 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 27, 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 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 17, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 18, 2026.

The Center appointed Kateryna Oliynyk as the sole panelist in this matter on June 23, 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 one of the world's leaders in information technology and has long been one of the leading innovators 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 the IBM trademark in over 131 countries, including but not limited to the following registrations in the United States:

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

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 trademark is famous and valuable assets of the Complainant. The Complainant 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 has devoted, and continues to devote, substantial resources to marketing its goods and services globally using the IBM trademark, and has undertaken extensive efforts to protect its name and enforce the IBM trademark, including imposing strict quality control measures over goods and services offered in connection with the IBM trademark.

The disputed domain name was created on March 14, 2026, and displays a webpage with the text "SOFTWARE", "Connecting Talent With Opportunity", and "Contact Us". The disputed domain name is connected to a mail server responsible for sending and accepting email messages on behalf of the disputed domain name. The Whois records indicate that the disputed domain name is associated with the IP addresses which have been linked to dissemination of malware, cryptocurrency mining, anonymization services, and botnet command and control servers in the past. The Respondent registered the disputed domain name using a privacy protection service to conceal its identity.

The Complainant sent cease-and-desist letters to the Respondent via the Registrar on March 24, 2026 and April 7, 2026 through the Registrar email address listed in the Whois records, requesting that the disputed domain name be disabled and transferred to IBM. The Respondent did not respond to these communications.

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.

Identical or Confusingly Similar

The Complainant contends that it owns rights in the IBM trademark.

The Complainant contends that the disputed domain name is confusingly similar to its IBM trademark because the mark is clearly recognizable within the disputed domain name. The addition of the acronym "hr" does not prevent a finding of confusing similarity and instead may reinforce an association with IBM by suggesting a connection to its human resources functions. Therefore, the inclusion of "hr" is insufficient to distinguish the disputed domain name from the IBM trademark.

No rights or legitimate interests

The Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Complainant claims that it has not licensed or authorized the Respondent to register or use the disputed domain name, nor is the Respondent affiliated with the Complainant in any form.

There is no evidence demonstrating that the Respondent might be commonly known by the disputed domain name.

There is no evidence of the Respondent's use of the disputed domain name in connection with a bona fide offering of goods or services, nor any evidence of a legitimate noncommercial or fair use of the disputed domain name by the Respondent.

The Complainant contends that the disputed domain name was registered long after the registration and use of its IBM trademark and primary domain name had become established and well known.

Given the Complainant's worldwide reputation and the incorporation of its trademark in the disputed domain name, the Respondent was likely aware of the Complainant's rights and registered a domain name that falsely suggests an association, sponsorship, or endorsement by the Complainant.

Registered and used in bad faith

The Complainant contends that the disputed domain name has been registered and is being used in bad faith.

The Complainant submits that it has developed substantial goodwill and recognition in the IBM trademark through decades of use, extensive promotion, and consistent industry recognition. The brand's prominence is further evidenced by the Complainant's significant online presence, including millions of website visits and hundreds of thousands of followers across major social media platforms, demonstrating that the IBM trademark is well known among consumers and industry participants alike.

The Complainant considers that the registration of a domain name that is confusingly similar to a widely known trademark, as is the case here, creates a presumption of bad faith. The Complainant adds that the Respondent knew or should have known of the Complainant's trademark rights at the time of registration of the disputed domain name, considering the international reputation of the IBM trademark, which was widely used in commerce well before the registration of the disputed domain name. The Complainant also considers that the Respondent is not using the disputed domain name for any legitimate or fair purpose.

The Complainant further argues that the combination of the acronym "hr" and the well-known IBM trademark, together with website content such as "contact us" and "connecting talent with opportunity", creates a heightened risk of an employment-related phishing or recruitment scam targeting job applicants and seeking to obtain personal information through false employment opportunities.

The Complainant also notes that the Respondent used a privacy service to conceal its identity, which UDRP panels have considered a potential indicator of bad faith. Further, despite receiving cease-and-desist letters on March 24, 2026 and April 7, 2026 requesting the suspension and transfer of the disputed domain name, the Respondent failed to respond. According to the Complainant, this non-response is additional evidence of the Respondent's bad-faith conduct.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs the Panel as to the principles the Panel is to use in determining the dispute: "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

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

Considering that the Respondent did not reply to the Complainant's contentions as to the substance, in order to determine whether the Complainant has met its burden as stated in paragraph 4(a) of the Policy, the Panel bases its decision on the statements and documents submitted in accordance with the Policy and the Rules.

Under paragraph 5(f) and paragraph 14(b) of the Rules, if a respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint, and where a party does not comply with any provision of the Rules, the Panel "shall draw such inferences therefrom as it considers appropriate".

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 or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The disputed domain name consists of the letters "hribm" , followed by the gTLD .org.

The Panel finds the mark IBM is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms here, “hr” which are used as the common acronym for “Human Resources”, may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8. The nature of such additional term may however bear on assessment of the second and third elements.

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 that 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 evidence on record demonstrates that the Respondent is not commonly known by the disputed domain name. There is no indication that the Respondent has acquired any trademark or service mark rights in the disputed domain name, nor has the Complainant authorized, licensed, or otherwise permitted the Respondent to use the IBM trademark in any manner, including as part of a domain name.

Furthermore, the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, nor is the disputed domain name being used in connection with a bona fide offering of goods or services. Rather, the disputed domain name resolves to a website displaying the terms “SOFTWARE”, “Connecting Talent With Opportunity”, and “Contact Us”, which appear to create the impression of an official business or recruitment-related website. In addition, the disputed domain name is configured with active mail exchange (MX) records, enabling it to send and receive email communications. Given the incorporation of the Complainant’s well-known IBM trademark together with the acronym “HR,” the disputed domain name carries a risk of misleading Internet users into believing that it is affiliated with, endorsed by, or operated on behalf of the Complainant, particularly in the context of human resources or recruitment activities.

In addition, based on the undisputed submissions provided by the Complainant, it is possible, and noting the composition of the disputed domain name, that the Respondent could use the disputed domain name for fraudulent purposes, as MX records have been set up for the disputed domain name. In these circumstances, the Panel considers that the configuration of MX records presents the potential for an email phishing scheme impersonating the Complainant, potentially with a view to commercial gain. Such activity cannot confer any rights or legitimate interests upon the Respondent.

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.

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 3.1](#), section 3.2.1.

The Complainant has duly substantiated and demonstrated that its IBM trademark enjoys a substantial worldwide reputation and is exclusively associated with the Complainant. The disputed domain name incorporates the Complainant's IBM trademark in its entirety, together with the acronym "hr". The Panel finds that the addition of "hr" does not prevent a finding of confusing similarity and may instead strengthen the perceived association with the Complainant by suggesting a connection to its human resources or recruitment functions. It is therefore clear that, at the time of registration of the disputed domain name, the Respondent was aware, or ought to have been aware, of the Complainant and its well-known IBM mark. The registration of a domain name confusingly similar to a third party's well-known trademark, absent any rights or legitimate interests, constitutes evidence of bad-faith registration.

As regards use, the Complainant has shown that, at the time of filing the Complaint, the disputed domain name resolved to a website displaying the terms "SOFTWARE", "Connecting Talent With Opportunity", and "Contact Us". The website content, combined with the composition of the disputed domain name, creates the impression of a website connected with the Complainant's recruitment or human resources activities. In addition, the disputed domain name has active MX records configured, enabling it to send and receive email communications. The Whois records further indicate that the disputed domain name is associated with IP addresses that have previously been linked to malware dissemination, cryptocurrency mining, anonymization services, and botnet command-and-control infrastructure, which may facilitate fraudulent activity.

The Panel also notes that the Respondent registered the disputed domain name through a privacy protection service to conceal its identity and failed to respond to the Complainant's cease-and-desist letters dated March 24, 2026 and April 7, 2026. While neither circumstance is conclusive on its own, both further support an inference of bad faith in the circumstances of this case.

In light of the strong reputation of the Complainant's IBM trademark, the Respondent's lack of rights or legitimate interests in the disputed domain name, the recruitment-related content displayed on the associated website, the configuration of MX records, the suspicious IP-address associations, and the absence of any response from the Respondent, the Panel finds that no plausible good-faith use of the disputed domain name is possible. The Panel therefore concludes that the Respondent has registered and is using the disputed domain name to take unfair advantage of the Complainant's reputation and goodwill, whether for commercial gain or in connection with a fraudulent scheme, and that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of 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 <hribm.org> be transferred to the Complainant.

/Kateryna Oliinyk/

Kateryna Oliinyk

Sole Panelist

Date: July 7, 2026