

ADMINISTRATIVE PANEL DECISION

International Business Machines Corporation v. I&t operation IBMhr,
I&toperations.ibm.com
Case No. D2026-2259

1. The Parties

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

The Respondent is I&t operation IBMhr, I&toperations.ibm.com, United States.

2. The Domain Name and Registrar

The disputed domain name <itoperationsibm.com> is registered with Squarespace Domains II LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 26, 2026. On May 27, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 27, 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 (REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 28, 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 28, 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 June 4, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 24, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 30, 2026.

The Center appointed Joseph Simone as the sole panelist in this matter on July 6, 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 a technology and consulting company incorporated in the United States in 1911, which adopted its present name in 1924. The Complainant has offered products and services in the information technology field ever since. It introduced its first large vacuum tube computer, the IBM 70, in 1952, and has since continuously offered computers, computer hardware, software, and related goods and services under the IBM brand. The Complainant operates in over 175 countries through its wholly-owned subsidiaries and has over 288,300 employees worldwide. The Complainant was ranked the 16th most valuable global brand in 2026 by BrandZ.

The Complainant spends over USD 1 billion annually marketing its goods and services under IBM trademark. It has a portfolio of trademark registrations for IBM mark in 131 countries, including in the United States. These registrations include the following:

- United States Trademark Registration No. 640606 for IBM in Class 9, registered on January 29, 1957;
- United States Trademark Registration No. 1058803 for IBM in Classes 1, 2, 3, 4, 7, 9, 10, 16, 28, 37, 41, and 42, registered on February 15, 1977; and
- United States Trademark Registration No. 4181289 for IBM in Classes 6, 8, 9, 11, 14, 16, 18, 20, 21, 22, 24, 25, 26, 28, 30, 35, and 41, registered on July 31, 2012.

The Respondent is identified in the registrant details disclosed by the Registrar as “I&t operation IBMhr” of the organization “I&toperations.ibm.com”, located in the United States. No further information about the Respondent is available. At the time of filing the Complaint, the disputed domain name did 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 Complainant contends that the disputed domain name is confusingly similar to its IBM mark. The disputed domain name consists of the letters “ibm” and the additional terms “it” and “operations”. The Complainant submits that where its mark is recognizable within the disputed domain name, the addition of descriptive terms does not prevent a finding of confusing similarity.

The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has never licensed, contracted with, or otherwise permitted anyone to register the disputed domain name. There is no evidence that the Respondent has used, or made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, that the Respondent has been commonly known by the disputed domain name, or that the Respondent is making a legitimate noncommercial or fair use of it. The Complainant submits that the unauthorized use of the IBM mark is liable to mislead consumers into believing that the Complainant is affiliated with or endorses the Respondent, when no such relationship exists.

The Complainant further contends that the disputed domain name was registered and is being used in bad faith. Given the fame of the Complainant's IBM mark, the Respondent was undoubtedly aware of this mark prior to registering the disputed domain name. Online searches for "IT OPERATIONS IBM" and "IBM" return results relating exclusively to the Complainant and its products and services.

The disputed domain name has not been used in connection with any bona fide purpose since registration.

The Complainant also argues that a report linking an IP address associated with the disputed domain name to a botnet command and control server and to anonymization services, combined with the configuration of Mail Exchange ("MX") records for the disputed domain name, shows that the disputed domain name is capable of being used for phishing or other fraudulent purposes, including employment scams, and that such actions evidence the Respondent's bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

It is widely 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 Panel acknowledges that the Complainant has established rights in the IBM trademark. [WIPO Overview 3.1](#), section 1.2.1.

The applicable generic Top-Level Domain ("gTLD") in a domain name (here, ".com") is viewed as a standard registration requirement and as such is disregarded when assessing whether a disputed domain name is confusingly similar to a complainant's trademark. Thus, the Panel disregards the gTLD in its application of the confusing similarity test. [WIPO Overview 3.1](#), section 1.11.1.

The disputed domain name incorporates the Complainant's IBM trademark in its entirety, preceded by terms "it" and "operations". The Panel finds that the Complainant's IBM trademark remains recognizable within the disputed domain name. Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms, whether descriptive, geographical, pejorative, meaningless, or otherwise, does not prevent a finding of confusing similarity under the first element. [WIPO Overview 3.1](#), section 1.8.

The Panel therefore finds that the Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy in establishing its rights in the IBM trademark and in showing that the disputed domain name is confusingly similar to that mark.

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.

In this case, the Complainant asserts that it has never licensed, contracted with, or otherwise authorized the Respondent to use the IBM trademark or to register the disputed domain name, and there is no evidence to suggest that the Respondent has used, or undertaken any demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services. Having reviewed the available record, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Respondent did not file a response and has therefore failed to assert factors or put forth evidence to establish that it enjoys rights or legitimate interests in the disputed domain name.

The registrant details disclosed by the Registrar identify the Respondent as “I&t operation IBMhr” of the organization “I&toperations.ibm.com”. A respondent may not, however, establish rights or legitimate interests merely by asserting a name that corresponds to the disputed domain name. A claim to be commonly known by a domain name must be supported by evidence beyond the registrant’s own self-serving assertion, and panels have declined to find such rights where the name appears to have been adopted for the purpose of the registration. [WIPO Overview 3.1](#), section 2.3.

There is nothing on the record to suggest that the Respondent has in fact been known by the disputed domain name. To the contrary, Internet searches for “IT OPERATIONS IBM” return results relating exclusively to the Complainant and its products and services.

Taking into account the reputation of the Complainant’s IBM trademark, and the composition of the disputed domain name, which reproduces that trademark together with terms descriptive of the Complainant’s own field of commerce and thereby carries a risk of implied affiliation, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name resolving to an inactive website. [WIPO Overview 3.1](#), section 2.5.1.

Based on the foregoing as well as the Panel’s findings below, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name pursuant to paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The third and final element that a complainant must prove is that the respondent has registered and is using the disputed domain name in bad faith.

Paragraph 4(b) of the Policy states that any of the following circumstances, in particular but without limitation, shall be considered as evidence of the registration and use of a domain name in bad faith:

- (i) circumstances indicating that the respondent registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant (the owner of the trademark or service mark) or to a competitor of that complainant, for valuable consideration in excess of the respondent’s documented out-of-pocket costs directly related to the domain name; or
- (ii) circumstances indicating that the respondent registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) circumstances indicating that the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) circumstances indicating that the respondent is using the domain name to intentionally attempt 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 the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on its website or location.

The examples of bad faith registration and use set forth in paragraph 4(b) of the Policy are not meant to be exhaustive of all circumstances in which bad faith may be found. Other circumstances may also 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.

In the present case, the Complainant's IBM mark is distinctive and well known worldwide, and the earliest of the Complainant's United States registrations referred to above predates the registration of the disputed domain name by over six decades. The disputed domain name pairs that mark with the terms "it" and "operations", which describe the Complainant's own field of business, and evidence on record shows that Internet searches for "IT OPERATIONS IBM" return results relating to the Complainant. Given the high degree of fame of the Complainant and its IBM trademarks, the Panel finds it improbable that the Respondent selected the disputed domain name for any reason unconnected with the Complainant. The registration of the disputed domain name, which is confusingly similar to the Complainant's well-known IBM trademark, can by itself create a presumption of bad-faith registration. [WIPO Overview 3.1](#), section 3.1.4.

The registrant details disclosed by the Registrar reinforce this conclusion. The Respondent refers to its organization as "I&toperations.ibm.com", which consists of the Complainant's IBM mark with the disputed domain name's own terms appended as though forming a subdomain of the Complainant's website, and gave its name as "I&t operation IBMhr", the suffix "hr" being a common abbreviation for "human resources". Such details are, on their face, false and calculated to convey a connection with the Complainant that does not exist, and their provision is inconsistent with the Respondent's obligations under its registration agreement. Panels have found that a respondent's provision of false or misleading contact details supports an inference of bad faith. [WIPO Overview 3.1](#), section 3.6.

With respect to the fact that the disputed domain name does not resolve to an active website, panels have consistently found that the non-use of a domain name (including a blank or "coming soon" page) does not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the fame of the Complainant's trademark and the composition of the disputed domain name, and finds that, in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel further notes that MX records are configured in the DNS settings for the disputed domain name, which indicates that it may be used to receive email. Given the composition of the disputed domain name and the Respondent's adoption of a registrant name evoking the Complainant's human resources function, this gives rise to a real risk that the disputed domain name may be used in connection with email communications impersonating the Complainant, whether for the purposes of phishing or an employment scam. This further supports the Respondent's bad faith. (See, e.g., *Accenture Global Services Limited v. Registration Private, Domains by Proxy, LLC / Thomas Clark*, WIPO Case No. [D2019-1465](#)).

Based on the foregoing, the Panel finds that the Respondent has registered and used the disputed domain name in bad faith pursuant to paragraph 4(a)(iii) 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 <itoperationsibm.com> be transferred to the Complainant.

/Joseph Simone/

Joseph Simone

Sole Panelist

Date: July 20, 2026