

ADMINISTRATIVE PANEL DECISION

International Business Machines Corporation v. Mike Banner
Case No. D2026-3716

1. The Parties

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

The Respondent is Mike Banner, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <ibmitconsulting.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 August 19, 2026. On August 20, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 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 August 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 August 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 August 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 17, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 28, 2026.

The Center appointed Harini Narayanswamy as the sole panelist in this matter on September 30, 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 an information technology company that was incorporated in 1911 and officially became International Business Machines in 1924. The Complainant is commonly known as IBM and uses the trademark IBM in connection with its products and services. The Complainant has a large portfolio of registered trademarks for the IBM marks that include among others:

- United States trademark registration no. 4,181,289 in International classes 9, 16, 18, 20, 21, 22, 24, 25, 28, 35, and 41, registered on July 31, 2012;
- United States trademark registration no. 3,002,164 in International class 9, registered on September 27, 2005; and
- United States trademark registration no. 1,696,454 in International class 36, registered on June 23, 1992.

The Respondent registered the disputed domain name on February 27, 2026. According to the case record, on March 3, 2026, the disputed domain name resolved to a website, which displayed “IBM IT Consulting” along with the Complainant’s logo, and purported to offer tailored IT solutions. On April 22, 2026, the disputed domain name pointed to a parking page with an article and some pay-per-click links. As of August 18, 2026, the disputed domain name resolves to a parking page with pay-per-click links referring to the Complainant’s IT services by displaying links such as “Ibm It Consulting Services” and “Ibm It Consulting Salary”.

The Complainant has submitted evidence that a mail exchange server has been set up for the disputed domain name, and the Internet Protocol (IP) address associated with the disputed domain name is linked to the use of botnet command and control server, cryptocurrency mining, and anonymization services, which can be used for fraudulent purposes.

The Complainant sent cease and desist notices to the Respondent through the Registrar on March 9, 2026 and again on March 16, 2026, requesting the Respondent to disable the disputed domain name and transfer it to the Complainant. There was no reply to these communications from the Respondent.

5. Parties’ Contentions

A. Complainant

The Complainant contends that it has been a leading innovator in the design and manufacture of technology products since the 1880’s, initially offering office and research equipment, including punch machines, calculating machines, clocks and scales.

The Complainant states that it is one of the leading technology companies spearheading innovation and has a presence in over 175 countries through its wholly owned subsidiaries. The Complainant states that it employs over 288,300 people and its IBM brand has worldwide recognition. BrandZ ranked IBM the 16th most valuable global brand in 2026, the 13th most valuable global brand in 2025, the 16th most valuable global brand in 2024, and the 18th most valuable global brand in 2022. Interbrand had ranked the Complainant as the 22nd best global brand in 2025, the 19th best global brand in 2024, and the 18th best global brand in 2023 and 2022.

The Complainant states that it has spent substantial amounts on advance research and product development and annually spends over one billion for marketing its goods and services globally using the IBM trademark. Notably, the Complainant contends that the IBM trademark is synonymous with innovation and high quality in the field of information technology and it imposes strict quality control over use of the IBM mark which it protects diligently. The Complainant further states that several previous UDRP cases have recognized the fame associated with the IBM mark.

The Complainant argues that the disputed domain name is confusingly similar to the trademark. The Complainant further argues that the Respondent lacks rights or legitimate interest in the disputed domain name and has registered and used the disputed domain name in bad faith. The Complainant requests for the transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

The Policy under paragraph 4 (a) requires a complainant to establish three elements to obtain the remedy of transfer of the disputed domain name under the Policy, these are:

- (i) The disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) The respondent lacks rights or legitimate interests in the disputed domain name; and
- (iii) The disputed domain name was registered and is being used in bad faith by the respondent.

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 Panel finds that the Complainant has provided evidence of trademark registrations for the IBM mark. 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 Panel finds the entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

The additional terms "it consulting" does not prevent a finding of confusing similarity. Although the addition of other terms "it consulting" 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 3.1](#), 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 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.

The Policy has provided three illustrative examples by which a respondent could show rights or legitimate interests in a disputed domain name, these are : (i) use of the domain name or demonstrable plans for such use in connection with a bona fide offering of goods and services; (ii) being commonly known by the domain name; or (iii) legitimate noncommercial or fair use of the disputed domain name. The Respondent has not responded or come forward with any submissions or relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Complainant has asserted that it has not licensed, contracted or permitted anyone to register the disputed domain name. The Complainant has submitted that the Respondent is not commonly known by the disputed domain name, and is not using the disputed domain name in connection with a bona fide offering of goods or services or for noncommercial fair use purposes. The Panel finds that these assertions by the Complainant establish prima facie that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Respondent has not responded in these proceedings and has not rebutted the Complainant’s prima facie showing. The disputed domain name carries a risk of implied affiliation with the Complainant’s mark. The Panel finds based on the material on record that the Respondent has obtained the disputed domain name to take advantage of the Complainant’s mark, and as such, the Respondent lacks rights or legitimate interests in the disputed domain name.

The Panel on reviewing the evidence on record also finds that the disputed domain name is associated with an IP address that is linked to botnet command and control servers, which can be used for fraudulent purposes. The Respondent’s intention to use the disputed domain name for illegitimate activity can not confer rights or legitimate interests on a respondent.

The Panel finds the Respondent lacks rights or legitimate interests in the disputed domain name and the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy enumerates four illustrative examples that may indicate a domain name was registered and is being used in bad faith, these are: (i) registration to sell the domain name to the complainant or to others for profit; (ii) pattern of bad faith conduct such as registering multiple domain names with trademarks; (iii) disrupting a competitor’s business; (iv) intentionally attempting to attract, for commercial gain, Internet users by creating a likelihood of confusion with the complainant’s mark.

The examples of bad faith under paragraph 4(b) of the Policy are not exclusive or exhaustive, 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. Having reviewed the record, the Panel finds the entire set of facts and circumstances in the present case collectively constitutes bad faith registration and use of the disputed domain name under the Policy provisions for the reasons that:

The mere registration of a disputed domain name that is identical or confusingly similar to a widely known and reputed mark can by itself create a presumption of bad faith registration. See [WIPO Overview 3.1](#), section 3.1.4. Given the prior reputation and distinctiveness associated with the Complainant's mark, the composition of the disputed domain name, where the mark is used along with terms suggestive of the main area of the Complainant's business, is in the Panel's view, designed to mislead people into thinking that the disputed domain name is either endorsed or affiliated with the Complainant.

The facts in the present case show different use of the disputed domain name at different points in time. Evidence on record shows that on March 3, 2026, shortly after registration of the disputed domain name, the disputed domain name resolved to a website, which displayed "IBM It Consulting" and the IBM logo, and purported to offer tailored IT solutions. Evidence further shows that as of August 18, 2026, the disputed domain name resolves to a parking page with pay-per-click links referencing the Complainant to possibly obtain revenue through Internet traffic based on the reputation associated with the Complainant's mark. Even if the sponsored links may be automatically generated on the landing page to which the disputed domain name resolves, the Respondent is responsible for the content appearing on the webpage associated with the disputed domain name. [WIPO Overview 3.1](#), section 3.5. Considering the above, the Panel finds that the disputed domain name has been used to intentionally attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark which constitutes bad faith under paragraph 4b(iv) of the Policy.

The IP activity report submitted by the Complainant reveals that the disputed domain name is linked to the use of botnet command and control server, and anonymization services, which can be used in connection with fraudulent purposes. The Complainant has argued that anonymization services are used for hiding network activity or digital footprint. One such form is called spoofing, which refers to fraudulently disguising communications to obtain access to unauthorized systems or data. Further arguing, that if the disputed domain name is associated with an IP address that issues malware coupled with deceitful name, it suggests the Respondent's intent is to use the disputed domain name to deceive the public into thinking the disputed domain name belongs to IBM and puts them at risk of being infected with malware.

The Complainant has also cited prior UDRP decisions where it was held that botnets used to illegally reap financial data from infected host websites and dissemination of malware through a domain name confusingly similar to a complainant's trademark, is often done to steal consumer information for commercial gain, which is bad faith: *International Business Machines Corporation v. John Lovvorn*, WIPO Case No. [D2022-1932](#), and *International Business Machines Corporation v. Super Privacy Service LTD c/o Dynadot /Wu Yu*, WIPO Case No. [D2022-2459](#).

The Panel finds that the Respondent's intention to use the disputed domain name for fraudulent purposes as discussed above is further evidence of bad faith.

Further, the Panel notes that mail exchanges have been set up with the disputed domain name and it can be used for nefarious purposes such as phishing, while misleading people that it is affiliated or endorsed by the Complainant. All the evidence and material on record therefore indicate that the disputed domain name is registered to mislead users and is possibly intended for fraudulent use.

The Panel finds, for all the reasons discussed, that the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. 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 <ibmitconsulting.com> be transferred to the Complainant.

/Harini Narayanswamy/

Harini Narayanswamy

Sole Panelist

Date: October 13, 2026