

ADMINISTRATIVE PANEL DECISION

International Business Machines Corporation v. ceng ju ying
Case No. D2026-3756

1. The Parties

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

The Respondent is ceng ju ying, China.

2. The Domain Name and Registrar

The disputed domain name <ibmsuper.com> is registered with Gname 114 Inc (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on August 21, 2026. On August 24, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 25, 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 25, 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 in English on August 25, 2026.

On August 25, 2026, the Center informed the parties in Chinese and English, that the language of the registration agreement for the disputed domain name is Chinese. On August 25, 2026, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on August 26, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 15, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 16, 2026.

The Center appointed Leo (Yi) Liu as the sole panelist in this matter on September 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 was incorporated in 1911 and adopted its present name, International Business Machines Corporation, in 1924. It is a multinational technology and consulting company with operations in more than 175 countries.

The Complainant owns trademark registrations for IBM in numerous jurisdictions, including the following in the United States:

- United States Trademark Registration No. 640,606, registered on January 29, 1957 in Class 9;
- United States Trademark Registration No. 1,205,090, registered on August 17, 1982 in Classes 1, 9, 16, 37, and 41; and
- United States Trademark Registration No. 4,181,289, registered on July 31, 2012 in Classes 9, 16, 18, 20, 21, 22, 25, 28, 35, and 41.

The IBM mark has been used for decades in connection with information technology products and services and has been recognized as well known in prior UDRP decisions.

The Respondent is an individual located in China.

The disputed domain name was registered on June 20, 2026. Evidence submitted by the Complainant shows that, on June 29, 2026, it resolved to a Chinese-language sports webpage displaying numerous promotional banners for third-party platforms, including monetary deposit promotions. The Complainant sent a cease-and-desist letter to the Respondent through the Registrar on June 30, 2026. The record contains no reply.

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 submits that the disputed domain name is confusingly similar to its IBM trademark because it incorporates the trademark in its entirety, followed by the term "super".

The Complainant further submits that it has not authorized the Respondent to use the IBM trademark, that the Respondent is not commonly known by the disputed domain name, and that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services or for a legitimate noncommercial or fair use.

Finally, the Complainant contends that the Respondent registered and used the disputed domain name in bad faith.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to paragraph 11(a) of the Rules, in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement, subject to the authority of the Panel to determine otherwise having regard to the circumstances of the administrative proceeding.

The Complaint was filed in English. The Complainant requested that English be the language of the proceeding because the Registrar's registration agreement is available in English as well as Chinese, the disputed domain name is composed of Latin letters and includes the English word "super", and requiring translation would impose additional expense and delay. The Respondent did not comment on the Complainant's request and did not submit a Response. The Center sent its communications to the Parties in both Chinese and English.

In exercising its discretion under paragraph 11(a) of the Rules, the Panel must act fairly to both Parties and ensure that the proceeding takes place with due expedition. Relevant circumstances include the Parties' ability to understand the proposed language and the time and costs involved. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.5.1.

Having considered all the circumstances, the Panel finds that accepting the Complaint in English will not unfairly prejudice the Respondent, whereas requiring a Chinese translation would cause unnecessary expense and delay. The Panel therefore determines that English shall be the language of the proceeding.

6.2 Substantive Issues

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 3.1](#), section 1.7.

The Complainant has shown rights in the IBM trademark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The disputed domain name incorporates the IBM trademark in its entirety. The addition of the term "super" does not prevent the IBM trademark from being recognizable within the disputed domain name. The generic Top-Level Domain ".com" is a standard registration requirement and is disregarded in the comparison. [WIPO Overview 3.1](#), sections 1.8 and 1.11.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's IBM trademark. 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. It has not licensed or otherwise authorized the Respondent to use the IBM trademark. The Respondent’s name does not correspond to the disputed domain name, and there is no evidence that the Respondent has been commonly known by the disputed domain name.

The disputed domain name resolved to a Chinese-language sports webpage displaying numerous promotional banners for third-party platforms, including monetary deposit promotions. In the circumstances of this case, such use of a domain name that incorporates the Complainant’s well-known trademark indicates the Respondent’s intention to capitalize on the Complainant’s reputation, and does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use.

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 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.

The Complainant’s IBM trademark predates the registration of the disputed domain name by many decades and is well known internationally. The disputed domain name reproduces the IBM trademark in its entirety at the beginning of the domain name and adds only the term “super”. In the absence of any explanation from the Respondent, the Panel finds that the Respondent knew of and targeted the Complainant and its IBM trademark when registering the disputed domain name.

The disputed domain name was used for a Chinese-language sports webpage displaying numerous promotional banners for third-party platforms, including monetary deposit promotions. The nature and number of the promotional banners support an inference of commercial gain. By using the Complainant’s well-known IBM trademark in the disputed domain name to attract Internet users to that webpage, the Respondent created a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the webpage and the services promoted on it. The Panel finds that this conduct falls within paragraph 4(b)(iv) of the Policy.

The Respondent’s failure to answer the Complainant’s cease-and-desist letter or to provide any explanation in this proceeding further supports the Panel’s conclusion in the circumstances of this case.

The Panel therefore 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 <ibmsuper.com> be transferred to the Complainant.

/Leo (Yi) Liu/

Leo (Yi) Liu

Sole Panelist

Date: October 5, 2026