ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Archer-Daniels-Midland Company v. Marcel Tembe
Case No. D2026-4382

1. The Parties

The Complainant is Archer-Daniels-Midland Company, United States of America ("United States"), represented by Innis Law Group LLC, United States.

The Respondent is Marcel Tembe, Spain.

2. The Domain Name and Registrar

The disputed domain name <exports-adm.com> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 28, 2026. On October 1, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 1, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 1, 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 October 1, 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 October 5, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 25, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 26, 2026

The Center appointed William Lobelson as the sole panelist in this matter on October 29, 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 Archer-Daniels-Midland Company, also trading as ADM, involved primarily in food products, but also bioenergies, agricultural storage and transportation.

It uses and owns the trademark ADM, which is protected through several registrations worldwide, inter alia:

- European Union Trade Mark registration 913194 registered on February 15, 2001
- United States registration No. 1386430 registered on March 18, 1986

The reputation of the ADM mark was recognized in earlier UDRP decisions: *Archer-Daniels-Midland Company v. zheng zi qiang*, WIPO Case No. D2022-4929; *Archer-Daniels-Midland Company v. Name Redacted,* WIPO Case No. D2016-1618; *Archer-Daniels-Midland Company v. Warren Flaherty, Allwood Design and Manufacture Ltd / Identity Protect Limited*, WIPO Case No. D2015-0539.

The disputed domain name <exports-adm.com> was registered on February 25, 2026. It is not directed to any active web site but is used as an e-mail address. The Complainant has filed evidence that the Respondent has used that e-mail address to impersonate a Complainant's subsidiary, by using its corporate logo, commercial slogan and links to the genuine Complainant's web site, for the purpose of contacting some Complainant's potential business partners for offering agricultural products for sale.

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.

Notably, the Complainant contends that the disputed domain name is confusingly similar to its earlier trademark, that the Respondent has no rights or legitimate interests in the disputed domain name, and that the disputed domain name has been registered and used in bad faith.

B. Respondent

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

6. Discussion and Findings

Notwithstanding the default of the Respondent, it remains incumbent on the Complainant to make out its case in all respects under the Rules set out in paragraph 4(a) of the Policy. Namely, the Complainant must prove that:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (paragraph 4(a)(i));

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name (paragraph 4(a)(ii)); and

(iii) the disputed domain name has been registered and is being used in bad faith (paragraph 4 (a)(iii)).

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 Panel finds the mark 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 "exports" 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 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 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 particularly by asserting that the Respondent is not affiliated with it in any way and that it never authorized the Respondent to use its trademark as part of the disputed domain name. The Complainant contends that the Respondent does not make any bona fide or legitimate noncommercial fair use of the disputed domain name.

In addition, the disputed domain name was used to impersonate the Complainant, for fraudulent purposes.

Panels have held that the use of a domain name for illegitimate activity, here impersonation, for phishing or any other types of fraud, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

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.

Based on the available record, 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.

Panels have held that the use of a domain name for purposes other than to host a website may constitute bad faith. Such active ("behind the scenes") uses are considered distinct from the passive holding doctrine, and can include a range of bad faith activity or scams such as sending email, phishing, identity theft, or malware distribution. Many such cases involve the respondent's use of the domain name to send deceptive emails, e.g., to obtain sensitive or confidential personal information from prospective job applicants, or to solicit payment of fraudulent invoices by the complainant's actual or prospective customers. WIPO Overview 3.1, section 3.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitute bad faith under the Policy.

In the present case, the Panel notes that the Respondent has used the disputed domain name to impersonate the Complainant, which is a clear indication that the Respondent knew about the Complainant and had its trademark in mind when it registered the disputed domain name.

Evidence filed in support of the Complaint reflects that the disputed domain name was used to impersonate the Complainant for fraudulent purposes, namely fraudulent sales solicitations and requests for advance payment.

The Respondent has used an email address using the disputed domain name to correspond with Complainant's business partners, using the Complainant's mark, logo, commercial slogan, and a block signature featuring links to the Complainant's genuine web site, with a view to offering for sale goods, in particular agricultural products, and thereby abusing the trust of recipients who believed they were dealing with the Complainant.

This clearly demonstrates a use in bad faith of the disputed domain name.

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 <exports-adm.com> be transferred to the Complainant.

/William Lobelson/
William Lobelson
Sole Panelist
Date: October 29, 2026