

## **ADMINISTRATIVE PANEL DECISION**

LinkedIn Corporation and LinkedIn Ireland Unlimited Company v.  
Sprintzero Consulting Limited  
Case No. DIE2022-0004

### **1. The Parties**

The Complainants are LinkedIn Corporation, United States of America (“United States”) (the “First Complainant”), and LinkedIn Ireland Unlimited Company, Ireland (the “Second Complainant”), represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, United States.

The Registrant is Sprintzero Consulting Limited, Ireland.

### **2. The Domain Name and Registrar**

The disputed domain name <linkedin.ie> is registered with IE Domain Registry Limited (“IEDR”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 4, 2022, via email. On November 7, 2022, the Center transmitted by email to IEDR a request for registrar verification in connection with the disputed domain name. On November 9, 2022, IEDR transmitted by email to the Center its verification response confirming that the Registrant is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the .IE Dispute Resolution Policy (the “IEDR Policy”), the WIPO Dispute Resolution Rules of Procedure for .IE Domain Name Registrations (the “Rules”), and the WIPO Supplemental Rules for .IE Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2.1 and 4.1, the Center formally notified the Registrant of the Complaint, and the proceeding commenced on November 16, 2022. In accordance with the Rules, paragraph 5.1, the due date for Response was December 14, 2022. The Registrant did not submit any response. Accordingly, the Center notified the Registrant’s default on January 6, 2023.

The Center appointed Adam Taylor as the sole panelist in this matter on January 9, 2023. 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 First Complainant, founded in 2003, operates the well-known “LinkedIn” online professional network, which has 19,000 employees worldwide, as well as more than 875 million members in 200 countries. The Second Complainant is an affiliate, and an authorised holding company of intellectual property for, the First Complainant. The Complainants are collectively referred to hereafter as “the Complainant”, unless it is necessary to refer to them separately.

The Complainant owns many trade marks for LINKEDIN including European Union Trade Mark No. 004183893, filed on December 9, 2004, registered on July 24, 2006, in class 35.

In a 2015 case<sup>1</sup> under the IEDR Policy, the panel ordered transfer of the disputed domain name to the Complainant from a different registrant, but it appears this transfer was never effected for reasons which are unclear.

The disputed domain name was registered by a new registrant on April 23, 2018.

As of November 1, 2022, the disputed domain name resolved to the Complainant’s own website at “www.linkedin.com”.

#### **5. Parties’ Contentions**

##### **A. Complainant**

The following is a summary of the Complainant’s contentions.

The disputed domain name is identical to the Complainant’s European Union Trade Mark, which constitutes a protected identifier under the IEDR Policy.

The Registrant lacks rights in law or legitimate interests in the disputed domain name.

The Complainant has never authorised the Registrant to register or use its trade mark.

Redirecting the disputed domain name to the Complainant’s own website does not constitute a good faith offering of goods or services or operation of a business.

To the Complainant’s knowledge, the Registrant has never been commonly known by the disputed domain name, nor has it acquired any relevant trade marks. Accordingly the disputed domain name does not correspond to the Registrant’s name or pseudonym.

The disputed domain name does not contain a geographical indication.

The disputed domain name was registered and has subsequently been used in bad faith.

Mere registration of a domain name identical or confusingly similar to a famous trade mark by an unaffiliated entity can create a presumption of bad faith.

It is inconceivable that the Registrant incorporated the word “LinkedIn” into the disputed domain name without being fully aware of the Complainant.

Redirecting the disputed domain name to the Complainant’s own website implies bad faith in that it increases the likelihood of confusion that the disputed domain name is connected with the Complainant’s mark.

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<sup>1</sup> See *LinkedIn Corporation and LinkedIn Ireland Limited v. Niall Keaveney, Stocktrade Ltd.*, WIPO Case No. [DIE2015-0003](#).

The Registrant has intentionally attempted to attract Internet users to its website by creating confusion with a protected identifier in which the Complainant has rights.

The fact that the Complainant's mark predates the disputed domain name by at least 16 years is a further indicator of bad faith.

## **B. Registrant**

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

## **6. Discussion and Findings**

Under the IEDR Policy, the Complainant is required to prove that:

- the disputed domain name is identical or misleadingly similar to a protected identifier in which the Complainant has rights;
- the Registrant has no rights in law or legitimate interests in respect of the disputed domain name; and
- the disputed domain name has been registered or is being used in bad faith.

### **A. Consolidation - Preliminary Issue**

The principles governing the question of whether a complaint may be brought by multiple complainants is set out in section 4.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)")<sup>2</sup>.

The Panel is satisfied that (a) the Complainants, which are part of a group of companies, have a specific common grievance against the Registrant and that the Registrant has engaged in common conduct that has affected the Complainants in similar fashion and (b) it would be equitable and procedurally efficient to permit the consolidation.

### **B. Identical or Misleadingly Similar**

Under paragraph 1.3.1 of the IEDR Policy, "protected identifiers" include "trade and service marks protected in the island of Ireland".

The Complainant owns a European Union Trade Mark for LINKEDIN that has effect within the island of Ireland and therefore constitutes a protected identifier.

Disregarding the country code Top-Level Domain ".ie", which is excluded from the comparison, the disputed domain name is identical to the Complainant's trade mark.

The Panel finds that the Complainant has established the first element of paragraph 1.1 of the IEDR Policy.

### **C. Rights in Law or Legitimate Interests**

As explained in section 2.1 of [WIPO Overview 3.0](#), the consensus view is that, where a complainant makes out a *prima facie* case that the respondent lacks rights or legitimate interests, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If not, the complainant is deemed to have satisfied the second element.

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<sup>2</sup> Although [WIPO Overview 3.0](#) is directed to the Uniform Domain Name Dispute Resolution Policy ("UDRP"), given the similarity between the UDRP and the IEDR Policy, it is appropriate to have regard to these principles except to the extent that the Policy diverges from the UDRP.

Paragraph 3.1 of the IEDR Policy gives examples of circumstances which, if proved, suffice to demonstrate that a registrant possesses rights or legitimate interests in the disputed domain name.

As to paragraph 3.1.1. of the IEDR Policy, in the Panel's view, redirection of the disputed domain name to the Complainant's own website cannot be said to constitute a "good faith offering of goods or services, or operation of a business" by the Registrant. First, the Complainant does not see how simply redirecting the disputed domain name to the Complainant's website somehow involved the Registrant itself making an offering of goods or services or operating a business – and the Registrant has not come forward to argue otherwise. Second, for reasons explained in section 6.D below, the Panel has in any case concluded that the Registrant's redirection of the disputed domain name was not undertaken in good faith.

Nor is there any evidence that paragraphs 3.1.2 or 3.1.3 of the IEDR Policy apply.

The Panel finds that the Complainant has established a *prima facie* case of lack of rights in law or legitimate interests and there is no rebuttal by the Registrant.

For the above reasons, the Panel concludes that the Complainant has established the second element of paragraph 1.1 of the IEDR Policy.

#### **D. Registered or Used in Bad Faith**

It is clear that the Registrant registered the disputed domain name with the Complainant in mind as it reflects the Complainant's famous and distinctive trade mark.

Furthermore, the disputed domain name carries a high risk of implied affiliation as it is identical to the Complainant's trade mark - see section 2.5.1 of the [WIPO Overview 3.0](#).

The Panel considers that the Registrant's redirection of the disputed domain name to the Complainant's own website increases the likelihood of customer confusion that the disputed domain name is somehow connected with the Complainant and indeed this step potentially enables the Registrant to profit from an unauthorised association with the Complainant's mark by means of affiliate revenue or otherwise.

Furthermore, the Registrant has not come forward to deny the Complainant's assertions of bad faith. It is difficult to conceive of any legitimate reason why the Registrant would wish to register the disputed domain name and the Registrant has offered no explanation.

In these circumstances, the Panel has little difficulty in concluding that the Registrant has registered and/or used the disputed domain name in bad faith and that the Complainant has satisfied the third element of paragraph 1.1 of the IEDR Policy.

#### **7. Decision**

For all the foregoing reasons, in accordance with paragraphs 5 of the IEDR Policy and 14 of the Rules, the Panel orders that the disputed domain name <linkedin.ie> be transferred to the Complainant.

*/Adam Taylor/*

**Adam Taylor**

Sole Panelist

Dated: January 26, 2023