

## **ADMINISTRATIVE PANEL DECISION**

LinkedIn Corporation v. Contact Privacy Inc. Customer 7151571251 / Jason Hann

Case No. D2022-3288

### **1. The Parties**

The Complainant is LinkedIn Corporation, United States of America (“United States” or “USA”), represented by The GigaLaw Firm, Douglas M. Isenberg, Attorney at Law, LLC, USA.

The Respondent is Jason Hann, USA.

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

The disputed domain name <accountsreceivablesappslinkedin.com> is registered with Google LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 5, 2022. On September 5, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 5, 2022, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 September 6, 2022. In accordance with the Rules, paragraph 5, the due date for Response was September 26, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 27, 2022.

The Center appointed Joseph Simone as the sole panelist in this matter on September 29, 2022. 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, LinkedIn Corporation, is a leading company in the professional online networking industry.

The Complainant has an extensive global portfolio of trade marks containing the term “LinkedIn”, including the following:

- United States Trade Mark Registration for LINKEDIN No. 3074241 in Class 35, registered on March 28, 2006;
- United States Trade Mark Registration for LINKEDIN.COM No. 3303349 in Class 35, registered on October 2, 2007;
- United States Trade Mark Registration for LINKEDIN No. 4007079 in Class 45, registered on August 2, 2011.

The Complainant owns the domain name <linkedin.com>.

The disputed domain name was registered on July 7, 2022.

According to screenshots provided by the Complainant, at the time of filing the Complaint, the disputed domain name resolved to an inactive website. At the time of this Decision, the disputed domain name continues to resolve to an inactive website.

#### **5. Parties’ Contentions**

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

The Complainant asserts that it has prior rights in the LINKEDIN trade marks and that it is a leading player in its field of business.

The Complainant further asserts that the disputed domain name is identical or confusingly similar to the Complainant’s LINKEDIN trade marks, and the addition of the terms “accounts”, “receivables”, and “apps” do not affect the analysis as to whether the disputed domain name is identical or confusingly similar to the Complainant’s trade marks.

The Complainant also asserts that it has not authorized the Respondent to use the LINKEDIN mark 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.

The Complainant further asserts that there is no evidence suggesting that the Respondent has any connection to the LINKEDIN mark in any way, and that there is no plausible good faith reason for the Respondent to have registered the disputed domain name, especially after considering the relevant circumstances. Also, MX records are configured for the disputed domain name, which suggests the Respondent’s intention to engage in future phishing activity. The Complainant therefore concludes that the registration and any use of the disputed domain name whatsoever must be in bad faith.

##### **B. Respondent**

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

## 6. Discussion and Findings

### A. Identical or Confusingly Similar

The Panel acknowledges that the Complainant has established rights in the LINKEDIN trade marks in many territories around the world.

Disregarding the generic Top-Level Domain (“gTLD”) “.com”, the disputed domain name incorporates the Complainant’s trade mark LINKEDIN in its entirety. The Panel further notes that the additions of the English words “accounts”, “receivables”, and “apps” do not prevent a finding of confusing similarity.

The Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(i) of the Policy in establishing its rights in the LINKEDIN trade marks and in demonstrating that the disputed domain name is identical or confusingly similar to its marks.

### B. Rights or Legitimate Interests

Pursuant to paragraph 4(a)(ii) of the Policy, the complainant is required to make out a *prima facie* case that the respondent lacks rights or legitimate interests in the disputed domain name. Once a *prima facie* case is made, the respondent bears the burden of producing evidence in support of its rights or legitimate interests in the disputed domain name. If the respondent fails to do so, the complainant may be deemed to have satisfied paragraph 4(a)(ii) of the Policy. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 2.1.

The Complainant asserts that it has not authorized the Respondent to use its trade marks 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.

Thus, the Complainant has established its *prima facie* case with satisfactory evidence.

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. As such, the Panel concludes that the Respondent has failed to rebut the Complainant’s *prima facie* showing of the Respondent’s lack of rights or legitimate interests in the disputed domain name, and that none of the circumstances of paragraph 4(c) of the Policy is applicable in this case.

The Respondent likewise did not provide any evidence of any use of the disputed domain name or a trade mark corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services. Further, the Panel finds that the disputed domain name carries a risk of implied affiliation to the Complainant, which is not supported by fact, and which cannot therefore constitute fair use. [WIPO Overview 3.0](#), section 2.5.1.

Accordingly, 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

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 trade mark 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 to prevent the owner of the trade mark 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 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. See *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#). The overriding objective of the Policy is to curb the abusive registration of domain names in circumstances where the registrant seeks to profit from and exploit the trade mark of another party. See *Match.com, LP v. Bill Zag and NWLAWS.ORG*, WIPO Case No. [D2004-0230](#).

For the reasons discussed under this and the preceding heading, the Panel believes that the Respondent's conduct in this case constitutes bad faith registration and use of the disputed domain name.

When the Respondent registered the disputed domain name, the LINKEDIN trade marks were already widely known and directly associated with the Complainant's activities. Panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly domain names incorporating the mark plus a descriptive term) to a famous or widely-known trade mark by an unaffiliated entity can by itself create a presumption of bad faith. See [WIPO Overview 3.0](#), section 3.1.4.

Given the extensive prior use and fame of the Complainant's marks, in the Panel's view, the Respondent should have been aware of the Complainant's marks when registering the disputed domain name.

The Respondent has provided no evidence to justify its choice of the term "linkedin" in the disputed domain name. In light of the foregoing, it would be unreasonable to conclude that the Respondent – at the time of the registration of the disputed domain name – was unaware of the Complainant's trade mark, or that the Respondent's adoption of the distinctive trade mark LINKEDIN was a mere coincidence.

The Complainant's registered trade mark rights in LINKEDIN for its signature products and services predate the registration date of the disputed domain name by about two decades. A simple online search for the term "linkedin" would have revealed that it is a world-renowned brand belonging to the Complainant.

The Respondent has established MX records and linked several subdomains to the disputed domain name. MX records coupled with the addition of multiple subdomains, which prompt for login credentials, suggests a strong possibility that the Respondent intends to use the disputed domain name to send emails as part of a fraudulent phishing scheme.

As the disputed domain name does not resolve to an inactive website, it is necessary to consider whether the currently inactive status of the disputed domain name prevents a finding of bad faith under the doctrine of passive holding. The factors usually considered material to such an assessment have been set out in a number of earlier decisions of UDRP panels, including in *Johnson & Johnson v. Daniel Wistbacka*, WIPO Case No. [D2017-0709](#). Each of these considerations points to the Respondent's passive holding of the disputed domain name being in bad faith. Specifically: (i) the Complainant's LINKEDIN mark is fairly distinctive and demonstrably well-established, (ii) the Respondent failed to submit a response to the Complaint or provide any evidence of good faith use, (iii) the Respondent has provided false or incomplete contact information in light of the Center's notification emails being returned as undelivered, and (iv) there is no conceivable good-faith use to which the disputed domain name could be put by the Respondent.

The Panel therefore finds the Respondent to have 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 <accountsreceivablesappslinkedin.com> be transferred to the Complainant.

*/Joseph Simone/*

**Joseph Simone**

Sole Panelist

Date: October 10, 2022