

ADMINISTRATIVE PANEL DECISION

LinkedIn Corporation v. Contact Privacy Inc. Customer 7151571251 / Samuel Larano

Case No. D2022-3289

1. The Parties

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

The Respondent is Contact Privacy Inc. Customer 7151571251, Canada / Samuel Larano, United States.

2. The Domain Name and Registrar

The disputed domain name <linkedin-receivables.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 14, 2022. In accordance with the Rules, paragraph 5, the due date for Response was October 4, 2022. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent’s default on October 6, 2022.

The Center appointed Kathryn Lee as the sole panelist in this matter on October 13, 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 is a technology company which runs the online professional networking platform at “www.linkedin.com”. The service was launched in 2003 and now has more than 850 million users from around the world. The Complainant was acquired by Microsoft in 2016 for USD 26.2 billion and now has more than 19,000 employees in 36 offices around the world. The Complainant owns the LINKEDIN trademark in around 62 jurisdictions worldwide including the following in the United States:

LINKEDIN registered on March 28, 2006 (Reg. No. 3,074,241)

LINKEDIN registered on August 2, 2011 (Reg. No. 4,007,079)

LINKEDIN.COM registered on October 2, 2007 (Reg. No. 3,303,349)

The Respondent appears to be an individual with an address in the United States.

The disputed domain name was registered on July 3, 2022, and is not connected to any website.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name is confusingly similar to the Complainant's trademark. The Complainant asserts that the LINKEDIN mark is recognizable within the disputed domain name and that the addition of the word “receivables” and hyphen does nothing to alleviate confusing similarity.

The Complainant also contends that the Respondent has no rights or legitimate interests in the disputed domain name and confirms that it has not authorized or licensed rights to the Respondent in any respect. The Complainant contends that the Respondent has not connected the disputed domain name to an active website, and the disputed domain name was not used in connection with a *bona fide* offering of goods or services.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant contends that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark can by itself create a presumption of bad faith, and that this case involves registration of a domain name that includes the world-famous trademark LINKEDIN. Further, the Complainant contends that the Respondent configured MX records which allows the Respondent to send and receive emails with email addresses generated from the disputed domain name. The Complainant contends that this gives rise to the strong possibility that the Respondent intended or intends to use the disputed domain name to send emails as part of a fraudulent phishing scheme. The Complainant also asserts that the Respondent's passive holding of the disputed domain name amounts to bad faith, especially given the fame associated with the LINKEDIN trademark.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated with supporting evidence that it has rights to the trademark LINKEDIN. As for the disputed domain name, it contains the LINKEDIN mark in its entirety along with the term “receivables.” According to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”), section 1.7, a domain name is considered confusingly similar to a trademark if it “incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name”. In this regard, the LINKEDIN mark is readily recognizable within the disputed domain name, and the additional term “receivables” does not prevent a finding of confusing similarity (see [WIPO Overview 3.0](#), section 1.8).

For the reasons mentioned above, the Panel finds that the first element has been established.

B. Rights or Legitimate Interests

On the basis of the present record as set out above, the Panel finds that the Complainant has made the required allegations to support a *prima facie* case showing that the Respondent has no rights or legitimate interests in the disputed domain name. Once such a *prima facie* case has been established, the burden of production shifts to the Respondent to demonstrate its rights or legitimate interests in the disputed domain name, with the burden of proof always remaining with the Complainant. However, the Respondent in this case has chosen to file no Response to these assertions by the Complainant, and there is no evidence or allegation in the record that would warrant a finding in favor of the Respondent on this point.

Besides, a respondent’s use of a domain name is not considered “fair” if it falsely suggests affiliation with the trademark owner. See [WIPO Overview 3.0](#), section 2.5.1. Here, the dominant element of the disputed domain name corresponds exactly to the Complainant’s mark, and the additional term “receivables” suggests that the disputed domain name belongs to the accounting department of the Complainant, and carries a risk of implied affiliation.

For the reasons provided above, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name, and that the second element has been established.

C. Registered and Used in Bad Faith

The Panel finds that there is strong and clear evidence to find bad faith in this case.

Considering the fame of the Complainant and the Complainant’s trademark, it is highly unlikely for the Respondent to have not known about the Complainant prior to registering the disputed domain name. Rather, especially with no response to claim otherwise, it is more probable that the Respondent registered the disputed domain name with the intention of benefiting from the fame of the mark in some way.

The disputed domain name is not connected to any website and there no evidence it has ever been used. From the inception of the UDRP, panelists have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. See [WIPO Overview 3.0](#), section 3.3. Considering (i) the degree of distinctiveness and reputation of the Complainant’s LINKEDIN mark, (ii) the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the Respondent’s concealing its identity using a privacy service, and (iv) the implausibility of any good faith use to which the inherently misleading dispute domain name may be put, the Panel finds that the Respondent’s non-use of the disputed domain name does not prevent a finding of bad faith.

In addition, evidence shows that the Respondent created MX records for the disputed domain name, which means the Respondent may have plans to use the disputed domain name to exchange emails. If so, as the disputed domain name includes the term “receivables,” recipients of emails from the disputed domain name would likely be misled to believe that the emails are coming from the Complainant for payment collections.

For the reasons given above, the Panel finds that the third element has been established.

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, <linkedin-receivables.com> be transferred to the Complainant.

/Kathryn Lee/

Kathryn Lee

Sole Panelist

Date: October 27, 2022