

ADMINISTRATIVE PANEL DECISION

Indo Count Global, Inc. v. Alina Romanova
Case No. D2025-1602

1. The Parties

The Complainant is Indo Count Global, Inc., United States of America (“United States”), represented by Covington & Burling LLP, United States.

The Respondent is Alina Romanova, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <thewamsutta.com> is registered with Spaceship, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 21, 2025. On April 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 23, 2025, 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 (Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 25, 2025, 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 amended Complaint on April 28, 2025.

The Center verified that the Complaint together with the amended 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 May 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2025. The Respondent sent an email communication to the Center on May 14, 2025, in the following terms:

“I [...] hereby confirm that I consent to the transfer of the disputed domain to the Complainant [...]. I request that the administrative proceeding be terminated promptly based on this voluntary consent”.

The Center responded to this by notifying both Parties that “pursuant to the Rules, paragraph 17, a UDRP proceeding may be suspended to implement a settlement agreement between the Parties” and “[i]f the Parties wish to explore settlement options, the Complainant should submit a request for suspension by May 20, 2025.” Neither Party replied to this letter. On May 30, 2025, the Center informed the Parties that it would proceed with the panel appointment. On the same day, the Respondent sent an email communication reiterating its willingness to transfer the disputed domain name to the Complainant.

The Center appointed Adam Samuel as the sole panelist in this matter on June 5, 2025. 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.

The Panel first has to decide whether to terminate the proceedings on the basis that the Respondent has consented to remedy sought in the Complaint. Paragraph 17(a)(i) and (iii) of the Rules provides:

“(a) If, before the Panel's decision, the Parties agree on a settlement, the Panel shall terminate the administrative proceeding. A settlement shall follow steps 17(a)(i) – 17(a)(vii):

(i) The Parties provide written notice of a request to suspend the proceedings because the parties are discussing settlement to the Provider [...]

(iii) The Parties reach a settlement and provide a standard settlement form to the Provider further to the Provider's supplemental rules and settlement form.”

The Complainant has not agreed to the Respondent's request and so the “Parties” have not supplied the written notice of a request to suspend the proceedings or a standard settlement form as required by these provisions. The Complainant is entitled to insist on a decision being rendered here. For these reasons, the Panel has decided to render its decision on the merits.

4. Factual Background

The Complainant manufactures and sells bedding and other home linen products. The Complainant owns a number of United States trademarks for WAMSUTTA, including registration no. 1233623, registered on April 5, 1983. The disputed domain name was registered on March 8, 2024.

In August 2024, the disputed domain name resolved to a website presenting the Complainant's products using the Complainant's WAMSUTTA trademark and inviting viewers to click on a button marked “CHECK PRICE”. This led Internet users to an external page where customers could purchase products other than those of the Complainant. The original website to which the disputed domain name resolved in August 2024 appears to have been removed after the Complainant made a complaint to the Respondent through the Registrar's registrant contact portal, requesting transfer of the disputed domain name. In November 2024, the Respondent restored the original website to which the disputed domain name resolved. Currently, the disputed domain name does not resolve to a website.

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 includes its trademark WAMSUTTA. Adding the generic term “the” to the WAMSUTTA mark only heightens the likelihood of consumer confusion because it suggests incorrectly that the website to which the disputed domain name resolves is the official website of the Complainant's WAMSUTTA product line.

The Complainant has not authorized or licensed the Respondent to use the WAMSUTTA trademarks in connection with its business or as part of the disputed domain name. The Respondent is not commonly known by the disputed domain name. The Respondent has not used the disputed domain name to host a website where it uses the term “wamsutta” to refer to anything other than the Complainant’s brand.

The Respondent was clearly aware of the Complainant’s WAMSUTTA trademarks when it registered the disputed domain name. It registered the disputed domain name in order to impersonate an official website of the Complainant so as to divert Internet users seeking the Complainant’s services to an unrelated third party website, thereby disrupting the Complainant’s business.

B. Respondent

The Respondent did not reply to the Complainant’s contentions except by consenting to the transfer of the disputed domain name to the Complainant.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

6.1 Preliminary Matter

Paragraph 10(b) of the Rules requires the Panel to ensure that the parties are treated with equality and that each party is given a fair opportunity to present its case. Paragraph 10(c) of the Rules requires that the administrative proceeding takes place with due expedition.

The Respondent’s mailing address is in Ukraine, which is subject to an international conflict at the date of this decision. These circumstances may impact case notification and it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceeding should continue.

The Panel is of the view that the proceeding should continue, having considered all the circumstances of the case. The Panel notes that the mail service was able to deliver the Written Notice sent by registered mail to the Respondent’s postal address provided by the Registrar. Also, the Complaint was delivered to the Respondent’s email address provided by the Registrar without any delivery failure. The Respondent has sent email communications to the Center which shows that the Respondent is aware of the proceedings.

A. Identical or Confusingly Similar

The disputed domain name consists of the Complainant’s trademark, the definitive article “the” and the generic Top-Level Domain (“gTLD”) “.com”. The gTLD is irrelevant here as it is a standard registration requirement. See section 1.11.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

Section 1.8 of the [WIPO Overview 3.0](#) says:

“Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive [...] or otherwise) would not prevent a finding of confusing similarity under the first element.”

Here, the addition of the definitive article in front of the Complainant’s trademark in the disputed domain name does not prevent a finding of confusing similarity between the disputed domain name and the Complainant’s trademark.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

The Respondent is not called “thewamsutta” or anything similar. There is no evidence that the Complainant has ever authorised the Respondent to use its trademarks. The Respondent has been using the Complainant’s trademark and logo on its website to impersonate the Complainant and sell what purport to be the Complainant’s products.

For these reasons, the Panel concludes that the Complainant has met this element. See section 2.1 of the [WIPO Overview 3.0](#).

C. Registered and Used in Bad Faith

When registering the disputed domain name, the Respondent clearly knew of the Complainant’s business. Since registering the disputed domain name, the Respondent appears to have been intermittently using the website to which the disputed domain name resolves to sell what purport to be the Complainant’s products. The Respondent appears to have done this in order to make money from people who thought that the website to which the disputed domain name resolved was somehow associated with the Complainant when that was not the case or to disrupt the Complainant’s business.

For these reasons, 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 <thewamsutta.com> be transferred to the Complainant.

/Adam Samuel/

Adam Samuel

Sole Panelist

Date: June 11, 2025