

ADMINISTRATIVE PANEL DECISION

BedRug, Inc. v. metpromo
Case No. D2025-5337

1. The Parties

The Complainant is BedRug, Inc., United States of America (the “United States”), represented by MacMillan, Sobanski & Todd, LLC, United States.

The Respondent is metpromo, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <mybedrug.com> is registered with Sav.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 19, 2025. On December 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 19, 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 (Lawerence Smith, Metpromo) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 23, 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 amendment to the Complaint on December 23, 2025.

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 December 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 18, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 19, 2026.

The Center appointed Gill Mansfield as the sole panelist in this matter on January 22, 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 a United States corporation incorporated in Delaware and holds a trademark registration for BEDRUG, as follows:

United States trademark registration number 2569308 for BEDRUG (word mark) registered on May 14, 2002 in class 27.

The trademark registration certificate gives the date for first use of the mark in commerce as October 31, 1988. The trademark registration under class 27 is described as covering “fitted carpeting for truck beds”. The trademark was transferred from Wise Industries, Inc. to the Complainant by a trademark assignment dated April 3, 2009.

The disputed domain name was registered on January 28, 2025. At the time of the Complaint the disputed domain name resolved to an inactive webpage. Previously, the disputed domain name resolved to an active website featuring images and descriptions of BEDRUG mats and liners for trucks, using the BEDRUG trademark, and containing Amazon affiliate advertising links.

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 dispute domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights. It argues that the addition of the word “my” and the generic Top-Level Domain (gTLD) is insufficient to differentiate the disputed domain name from the Complainant’s trademark.

It further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that the disputed domain name previously resolved to a website which used the Complainant’s trademark in an unauthorised and illegitimate manner, for commercial gain, to trade on the Complainant’s goodwill in the trademark and to drive traffic to the Respondent’s website. As such, it submits that the Respondent is not making use of the disputed domain name in connection with a bona fide offering of goods or services. The Complainant states that the Respondent is not a licensee of the Complainant or authorised to use the Complainant’s trademark. It specifically states that the Respondent is not an authorised distributor, reseller or service provider of the Complainant. The Complainant goes on to assert that the Respondent is not making fair use of the Complainant’s trademark in the sale of the Complainant’s goods. The Complainant argues that the Respondent is not offering the goods for sale at the website associated with the disputed domain name, that it has used the Complainant’s trademark and photos of the Complainant’s products on the Respondent’s website, has taken no steps to avoid confusion, has failed to indicate any relationship (or lack thereof) with Complainant and instead is holding itself out as the trademark owner and manufacturer of the products. The Complainant submits that the Respondent is not making any legitimate noncommercial or fair use of the disputed domain name.

The Complainant also contends that neither the Respondent, nor any businesses or other organisations associated with the Respondent have been commonly known by the disputed domain name.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. It argues that the Respondent has intentionally attempted to trade on the goodwill in the Complainant's trademark in order to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant as to the source, sponsorship, affiliation, and/or endorsement of the Respondent's website. It submits that registering the disputed domain name which consists of the word "my" together with the Complainant's trademark was a deliberate attempt to divert Internet traffic from the Complainant's website and to attract such users, for commercial gain, to the Respondent's own website, and that the website itself was also likely to confuse consumers. It states that the Complainant's rights in the trademark long predate the Respondent's registration of the disputed domain name and submits that the Respondent was aware of the Complainant's trademark at the time the Respondent registered the disputed domain name. The Complainant adds that this is evident as the Respondent's website previously featured images from the Complainant's website.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy the Complainant carries the burden of proving:

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

A. Procedural Issue – Location of the Respondent

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceedings take place with due expedition.

The location of the Respondent disclosed by the Registrar appears to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification. It is therefore appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue.

Having considered all the circumstances of the case, the Panel is of the view that it should.

The Panel notes that the Center notified the Respondent of the Complaint using all available means, including to the Respondent's email address as disclosed by the Registrar. The available record indicates that delivery to that email address was completed on December 29, 2025. The Panel also notes that the disputed domain name was registered on January 28, 2025, during the international conflict, suggesting that the Respondent is able to access the Internet and maintain control of the disputed domain name, and should have also received the electronic notification of this proceeding.

Moreover, for the reasons set out below, the Panel has no serious doubt that the Respondent registered and has used the disputed domain name in bad faith and with the intention of unfairly targeting the Complainant's BEDRUG trademark.

The Panel concludes that the Respondent has been given a fair opportunity to present its case, and so that the proceedings take place with due expedition, the Panel will proceed to a decision accordingly.

B. 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 Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, the addition of the word "my" in front of BEDRUG) 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 3.0](#), section 1.8.

The applicable Top-Level Domain (TLD) in a domain name is a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

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

C. 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 3.0](#), 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. 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.

In particular, there is no evidence that the Complainant authorised, licensed or otherwise permitted the Respondent to use the BEDRUG trademark. The Respondent is not an authorised distributor, seller or service provider of the Complainant. There is no evidence that the Respondent is commonly known by the disputed domain name. There is also no evidence of use, or demonstrable preparation to use, the disputed domain name for a bona fide offering of goods and services, or of any legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers.

Although at the time of the Complaint the disputed domain name resolved to an inactive webpage, it is clear from the available record that it previously resolved to an active website that repeatedly and prominently used the Complainant's BEDRUG trademark and included information about, and pictures of, the Complainant's BEDRUG products without authorisation from the Complainant. The website did not offer

BEDRUG products for sale and it included affiliate advertising links which appear to link to BEDRUG products.

The Respondent failed to take any steps to prevent confusion with the Complainant, and failed to disclose its relationship with the Complainant (or the absence of any relationship with the Complainant). As such, the Panel finds that the Respondent does not meet the criteria set out in the Oki Data test (WIPO Overview, section 2.8.1).

In addition, the disputed domain name consists of the Complainant's BEDRUG trademark in its entirety with only the addition of the term "my" before "bedrug". As such, the Panel finds that the composition of the disputed domain name is such as to carry a risk of implied affiliation with the Complainant's trademark which cannot constitute fair use, as it effectively impersonates the Complainant, or suggests affiliation with or sponsorship or endorsement by the Complainant ([WIPO Overview 3.0](#), section 2.5.1).

According to paragraph 14(b) of the rules, the Panel may draw from the lack of response of the Respondent such inferences as it considers appropriate. The Panel is of the view that the lack of response from the Respondent further corroborates the absence of any rights or legitimate interests of the Respondent in the disputed domain name.

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

D. 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.

In the present case, the Panel notes that the disputed domain name was registered more than 30 years after the Respondent, and its predecessor, first began using the BEDRUG trademark in the course of trade and over 20 years after first registration of the BEDRUG trademark. The Panel notes that, the disputed domain name previously resolved to an active website that used the BEDRUG trademark, and images and descriptions of BEDRUG products. In the circumstances, it is implausible that the Respondent did not have knowledge of the Complainant's trademark at the time that the disputed domain name was registered, and the Respondent's actions demonstrate the Respondent's knowledge and targeting of the Complainant's BEDRUG trademark.

The Panel also notes that the website which the disputed domain name previously resolved to contained Amazon affiliate links. Furthermore, content on the website specifically stated that the website was a participant in the Amazon "affiliate advertising programme designed to provide a means for sites to earn advertising fees by advertising and linking to Amazon.com".

The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's website or products or services on the Respondent's website under paragraph 4(b)(iv) of the Policy.

The current non-use of the disputed domain name, in the circumstances of this case, does not change the Panel's finding as to the Respondent's bad faith. [WIPO Overview 3.0](#), section 3.3.

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 <mybedrug.com> be transferred to the Complainant.

/Gill Mansfield/

Gill Mansfield

Sole Panelist

Date: February 3, 2026