

## **ADMINISTRATIVE PANEL DECISION**

USM U. Schärer Söhne AG v. Liang Li and Yi Tang  
Case No. D2024-4949

### **1. The Parties**

The Complainant is USM U. Schärer Söhne AG, Switzerland, represented by BKS Rechtsanwälte AG, Switzerland.

The Respondents are Liang Li, China, and Yi Tang, China.

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

The disputed domain names <usm-moebel.com> and <usm4u.com> are registered with Tucows Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 29, 2024. On December 2, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On December 2, 2024, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Contact Privacy Inc. Customer 0169253489 / Contact Privacy Inc. Customer 0164292870) and contact information in the Complaint.

The Center sent an email communication to the Complainant on December 4, 2024, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint for the disputed domain names associated with a different underlying registrant or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on December 9, 2024.

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 December 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was January 6, 2025. The Center received email communications from the email address created with one of the disputed domain names on December 6, 2024, and January 3 and 5, 2025.

The Center appointed Andrew F. Christie as the sole panelist in this matter on January 20, 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.

#### **4. Factual Background**

The Complainant is a Swiss furniture manufacturer with subsidiaries in Germany, France, United Kingdom, the United States of America, Japan and China. Its products are sold in around 40 countries by over 400 local distributors. The Complainant claims that its signature product line, the USM Haller modular furniture system, is an icon of modern design that has been sold since the late 1960s and was included in the permanent collection of the Museum of Modern Art in New York in 2001.

The Complainant has been using the trademark USM for furniture products since its commencement, over 50 years ago. It has registered numerous trademarks comprising of or containing the string USM in various jurisdictions. In particular, it is the owner of European Union Trade Mark No. 003423696 (filed October 23, 2003, registered March 2, 2005), Swiss Trademark No. 520760 (filed April 19, 2004, registered April 21, 2004), Hong Kong Trade Mark No. 300199972AA (registered April 20, 2004), and International Trademark No. 834027 (registered April 21, 2004), all for the word trademark USM.

The Complainant has been the holder of the domain name <usm.com> since April 19, 1997, and has been using this for their website since 1997. Additionally, the Complainant registered the domain name <usm4you.com> on July 25, 2011, and has been using this to redirect to its website at “www.usm.com” since then. The Complainant is also the holder of various country-code Top-Level Domain (“ccTLD”) domain names containing the string “usm4you” or “usm4u”, which were registered long before the registration of the disputed domain name <usm4u.com>. The Complainant is the holder various ccTLD domain names containing the string “usm-moebel”, “usmmoebel”, “usm-möbel” or “usmmöbel”, all of which were registered before registration of the disputed domain name <usm-moebel.com>.

The disputed domain name <usm-moebel.com> was registered on April 29, 2022, and the disputed domain name <usm4u.com> was registered on November 10, 2023. The Complainant provided undated screenshots showing that the disputed domain name <usm4u.com> resolved to a website purporting to offer components of the Complainant’s USM Haller modular furniture system for assembly into the Complainant’s USM Haller furniture. The Complainant said that the disputed domain name <usm-moebel.com> redirected to the website at “www.usm4u.com”. As at the date of this Decision, the disputed domain name <usm4u.com> resolves to a webpage with a link to another site that purports to offer components of the Complainant’s USM Haller modular furniture system, and the disputed domain name <usm-moebel.com> resolves to a webpage saying the domain name is either not yet pointed or is still propagating.

The Complainant provided copies of emails sent to several sales partners of the Complainant in Switzerland, Austria and Germany in April 2024, using the sender address “[...]@usm4u.com”. The emails, which were written in German, have the subject which translates into English as “USM4U - Spare parts for USM Haller”, purport to be from a manufacturer of parts for USM Haller furniture, and offer products for sale from the website at “www.usm4u.com”. The Complainant was informed that, in response to a purchase order placed on that website, products being copies of the Complainant's furniture components were sent from China.

## 5. Parties' Contentions

### A. Complainant

The Complainant contends that the relationship between the Respondent Liang Li (the registrant of the disputed domain name <usm4u.com>) and the Respondent Yi Tang (the registrant of the disputed domain name <usm-moebel.com>) is such as to justify a single Complaint being brought against them. The domain name <usm-moebel.com> is used to redirect to the website at "www.usm4u.com" – that is, both the disputed domain names are used for the same website. Also, both the disputed domain names were registered using the same privacy service (Contact Privacy Inc.), using the same Registrar, and using the same reseller (SiteGround Spain S.L.). Furthermore, the information received from the Registrar revealed that both Respondents reside in the same city, at addresses suggesting a close geographical proximity. Therefore, it is assumed that the disputed domain names are subject to common control and the consolidation of the two disputed domain names is fair and equitable to all parties.

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

#### **Disputed domain name <usm4u.com>**

The Complainant contends that the disputed domain name <usm4u.com> is confusingly similar to a trademark in which it has rights on the following grounds, among others. The Complainant is the owner of national and international registrations for the word trade mark USM. The disputed domain name consists of the two parts, "usm" and "4u", plus the generic Top-Level Domain ("gTLD") ".com". The distinctive part "usm" stands at the beginning of the disputed domain name. The part of the disputed domain name "4u" is an abbreviation commonly used to mean "for you", and does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark, which remains clearly recognizable in it. Neither the element "4u" nor the gTLD ".com" distinguish the disputed domain name from the Complainant's trademark.

The Complainant contends that the Respondent Liang Li has no rights or legitimate interests in the disputed domain name <usm4u.com> on the following grounds, among others. The disputed domain name was registered using a proxy registration service, and is used for a website offering copied components for the Complainant's well-known modular furniture system USM Haller. The Respondent has no connection with the Complainant or the Complainant's subsidiaries, and does not offer genuine goods of the Complainant. In particular, the Respondent has not been licensed or authorized by the Complainant to use the disputed domain name, or the trademark USM. The Respondent is not selling genuine furniture or components of furniture of the Complainant and therefore has no legitimate interests in the disputed domain name.

The Complainant contends that the Respondent Liang Li has registered and is using the disputed domain name <usm4u.com> in bad faith on the following grounds, among others. The Respondent registered and used the disputed domain name knowing about the Complainant's products. The Respondent sells copied components of the Complainant's modular furniture system to assemble entire copies of modular furniture of the Complainant. The Respondent also posts information about the Complainant's products and history. The Respondent shows bad faith by attempting to hide its identity. The disputed domain name was registered using a privacy service, hence the identity of the person or organization behind the registration is not available to the public. The Respondent intentionally attempts to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark as to the source of their products and the identity and/or affiliation of the company running this website in order to mislead the public. Additionally, by selling copies of the Complainant's products, the Respondent is competing directly with the Complainant and disrupting the Complainant's business, all the while using the Complainant's trademark USM.

### **Disputed domain name <usm-moebel.com>**

The Complainant contends that the disputed domain name <usm-moebel.com> is confusingly similar to a trademark in which it has rights on the following grounds, among others. In this disputed domain name, the distinctive term “usm” at the beginning is identical with the Complainant’s trademark USM. The string “moebel” (or “möbel”) is the German word for “furniture”. The website to which the disputed domain name redirects is available in German. The term “moebel”, i.e. furniture in English, is merely descriptive for the goods in respect of which the Complainant’s trademarks are registered. A generic term is insufficient in itself to avoid a finding of confusing similarity under the first element of the Policy.

The Complainant contends that the Respondent Yi Tang has no rights or legitimate interests in the disputed domain name <usm-moebel.com> on the following grounds, among others. The Respondent has not been licensed or authorized by the Complainant to use the disputed domain name or the trademark USM. The disputed domain name was registered using a privacy service. The term “moebel” (the German word for “furniture”) shows that the Respondent was well aware of the Complainant and their well-known furniture products, which at the time of the registration of the disputed domain name have been on the market for over 50 years in numerous countries. As the disputed domain name is used to redirect to the website at “www.usm4u.com” offering copies of the Complainant’s products, the Respondent has no rights or legitimate interests to the disputed domain name.

The Complainant contends that the Respondent Yi Tang has registered and is using the disputed domain name <usm-moebel.com> in bad faith on the following grounds, among others. The word “moebel” is the German term for “furniture”, hence the Respondent who uses the disputed domain name for redirecting to a website selling copies of the Complainant’s furniture products, clearly knew about the Complainant and their trademark when registering the disputed domain name. The Respondent registered the disputed domain name using a privacy service and the disputed domain name redirects to the website at “www.usm4u.com”. The contentions above about the bad faith of the Respondent Liang Li’s use of the disputed domain name <usm4u.com> apply to the Respondent Yi Tang’s use of the disputed domain name <usm-moebel.com>.

### **B. Respondents**

On December 6, 2024 and January 3, 2025, the Center received email communications from the sender address “[...]@usm4u.com”. The latter email stated: “...we have now moved to our new website [redacted]. On www.usm4u.com we only inform visitors of our new website and new email. Everything else that was previously on www.usm4u.com has been deleted. www.usm-moebel.com we previously redirected to www.usm4u.com. Now we have deleted everything on www.usm-moebel.com and we will not extend www.usm-moebel.com.”

The email also stated, among other things, that the sender does not sell ready-made shelves, only parts; does not pretend to be the Complainant; informs visitors that it does not sell original USM Haller products; is not using the “USM” part in the disputed domain names to pretend to be the Complainant, but rather is using it to make clear to visitors that it is providing products that are compatible with the Complainant’s products; does not hide its identity; and that it is not forbidden to sell products that are compatible with the Complainant’s products.

On January 5, 2025, the Center received a further email from the same sender address enquiring if the earlier email had been received.

## **6. Discussion and Findings**

### **Consolidation: Multiple Respondents**

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges, in effect, that the domain name registrants are the same entity or mere alter egos of

each other, or under common control. The Complainant requests the consolidation disputes against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes the Center received an email from the sender address "[...]@usm4u.com", in which reference is made to actions taken by the sender in respect of the two disputed domain names. It is clear that the sender of that email exercises common control over the disputed domain names.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

### **A. 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 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. It is the owner of a number of registrations for the word trademark USM.

The entirety of the Complainant's trademark is reproduced within the disputed domain name <usm4u.com>, followed by the characters "4u" and the gTLD ".com". The entirety of the Complainant's trademark is reproduced within the disputed domain name <usm-moebel.com>, followed by the characters "-moebel" and the gTLD ".com". Although the addition of other terms may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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

### **B. 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.

The Panel considers that the composition coupled with the use of each of the disputed domain names carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.0](#), section 2.5.1. The evidence establishes that the Respondent has used the disputed domain names to resolve (redirect, in case of the dispute domain name <usm-moebel.com>) to a website which, by reproducing the Complainant's trademark, purporting to offering for sale components of the Complainant's USM Haller modular furniture system for assembly into the Complainant's USM Haller furniture, and not accurately disclosing the Respondent's lack of a relationship with the Complainant, falsely purports to be affiliated with the Complainant. Panels have held that the use of a domain name to imply a commercial affiliation that does not exist, can never confer rights or legitimate interests on a respondent.

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 names. 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 names such as those enumerated in the Policy or otherwise.

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

### **C. 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: (i) the Respondent registered the disputed domain names many years after the Complainant first registered its USM trademark; (ii) the disputed domain names incorporate the Complainant's trademark in its entirety, and merely add the descriptive characters "4u" (as such, making it similar to the Complainant's own domain name <usm4you.com>) or "-moebel", which allude to being, or which describe, the product sold by the Complainant under its trademark ; and (iii) the Respondent has used the disputed domain names to resolve (redirect) to a website that purports to offer components of the Complainant's product for sale. It is clear the Respondent registered the disputed domain names with knowledge of the Complainant's trademark.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1. The evidence shows that the Respondent has used the disputed domain names in an intentional attempt to attract, for commercial gain, Internet users to a website by creating a likelihood of confusion with the Complainant's trademark. Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

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 names <usm-moebel.com> and <usm4u.com> be transferred to the Complainant.

*/Andrew F. Christie/*

**Andrew F. Christie**

Sole Panelist

Date: February 3, 2025