

ADMINISTRATIVE PANEL DECISION

Sennheiser Electronic GmbH & Co. KG v. Bob Green, Delte
Case No. D2024-5291

1. The Parties

The Complainant is Sennheiser electronic GmbH & Co. KG, Germany, represented by Bettinger Scheffelt Rechtsanwälte, Germany.

The Respondent is Bob Green, Delte, United States of America ("US").

2. The Domain Name and Registrar

The disputed domain name <sennheeiser.com> is registered with Hostinger Operations, UAB (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 23, 2024. On December 23, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 24, 2024, 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 (Domain Admin, Privacy Protect, LLC (PrivacyProtect.org)) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 24, 2024, 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 December 30, 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 January 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on January 30, 2024.

The Center appointed Alvaro Loureiro Oliveira as the sole panelist in this matter on February 3, 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 Sennheiser Electronic GmbH & Co. KG, a German company operating in the audio technology field which was founded in 1945. The Complainant has more than 2,800 employees and three different manufacturing plants in Germany, Ireland, and the US, as well as sales subsidiaries and research laboratories worldwide.

The Complainant is owner of registered SENNHEISER trademarks, including:

- International Trademark Registration No. 670839 for SENNHEISER, registered on March 6, 1997;
- European Union Trademark Registration No. 000370122 for SENNHEISER, registered on August 27, 1999;
- International Trademark Registration No. 590780 for SENNHEISER and design, registered on August 10, 1992.

In addition, the Complainant is the owner of several domain names incorporating the SENNHEISER Mark, such as <sennheiser.com> and <sennheisershop.com> and promotes its products and services at its website at “www.sennheiser.com”.

The Complainant has also made substantial investments to develop a strong presence online by being active on various social-media platforms.

The Complainant provided evidence in support of the above, in Annexes 6, 7 and 8 to the Complaint.

The disputed domain name was registered on November 14, 2024, and resolves to a Registrar parking page.

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's mark registered and used worldwide.

The Complainant alleges that the Respondent does not have rights or legitimate interests in the disputed domain name.

The disputed domain name adopted by the Respondent – a reproduction of the Complainant's registered mark with a double “e” in the middle of the name – shows a clear intention of misleading Internet users. The Complainant underlines that the disputed domain name gives the impression that it is associated with the Complainant.

The Respondent has no rights nor legitimate interests in the disputed domain name, whereas the Respondent has not acquired any trademark rights with respect to the disputed domain name. As stated by the documents presented, the registration and use of the trademark SENNHEISER predates the registration of the disputed domain name in decades.

Moreover, the Respondent is not commonly known by the disputed domain name. The Respondent has also not secured a license nor any other authorization from the Complainant to use the trademark. Lastly, the disputed domain name does not direct to an active page.

In sum, the Complainant alleges that it is clear that the Respondent has no rights or legitimate interests in the disputed domain name, and that the disputed domain name was registered and is being used in bad faith.

B. Respondent

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

6. Discussion and Findings

The Policy, in its paragraph 4(a), determines that three elements must be present and duly proven by a complainant to obtain relief. These elements are:

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

A. Identical or Confusingly Similar

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

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.2.1.

The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark - in fact, the disputed domain name includes the trademark in its entirety, with the insertion of a second letter "e" in the mark SENNHEISER, does not prevent a finding of confusing similarity as the Complainant's trademark remains recognizable within the disputed domain name. [WIPO Overview 3.0](#), section 1.9.

The Panel finds that the Complainant has established the first element of the Policy.

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 notes that the trademark SENNHEISER is widely known as identifying the Complainant's activities, and that the Complainant did not license this to the Respondent.

Furthermore, the Respondent does not appear to be commonly known by the disputed domain name.

It has also been shown that the Respondent is not making any direct use of the disputed domain name, noting the disputed domain name resolved to a parking website. The Respondent is not making noncommercial or fair use of the disputed domain name, nor a bona fide offering of goods or services.

The disputed domain name reproduces the Complainant's mark SENNHEISER in its entirety, with the addition of a second letter "e".

The Panel finds that the Complainant has established prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. In the absence of a Response, the Respondent has not rebutted such prima facie case.

The Panel, thus, finds for the Complainant under the second element of the Policy.

C. Registered and Used in Bad Faith

It is clear to the Panel that the Respondent has registered the disputed domain name with the purpose of taking unfair advantage of the Complainant's mark.

The Panel finds that the disputed domain name was likely registered to mislead consumers – hence the addition of the double "e" – which can surely be a fact from which the Respondent may well profit by confusing Internet users looking for the Complainant.

Further, the current passive holding of the disputed domain name does not prevent a finding of bad faith. Previous UDRP panels have found that the apparent lack of so-called active use of the disputed domain name, without any active attempt to sell or to contact the trademark holder, does not prevent a finding of bad faith. See, e.g., *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#); see also *Redcats S.A. And La Redoute S.A. v. Tumay Asena*, WIPO Case No. [D2001-0859](#) and *DCI S.A. v. Link Commercial Corporation*, WIPO Case No. [D2000-1232](#).

Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the typo in the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

All the points above lead to the conclusion by this Panel that the Respondent was fully aware of the Complainant when registering the disputed domain name and that the Respondent registered and is using the disputed domain name in bad faith.

The Panel finds that the Complainant has also proved 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 <sennheeiser.com> be transferred to the Complainant.

/Alvaro Loureiro Oliveira/

Alvaro Loureiro Oliveira

Sole Panelist

Date: February 09, 2025