

ADMINISTRATIVE PANEL DECISION

Lamps Plus, Inc. v. Ivanov Roman
Case No. D2025-0786

1. The Parties

The Complainant is Lamps Plus, Inc., United States of America ("United States" or "US"), represented by Sheppard, Mullin, Richter & Hampton LLP, United States.

The Respondent is Ivanov Roman, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <possinieurodesign.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 February 25, 2025. On February 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 28, 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 (Redacted for Privacy Purposes) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 4, 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 March 7, 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 March 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 2, 2025.

The Center appointed Dilek Zeybel as the sole panelist in this matter on April 8, 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, Lamps Plus, Inc., a corporation organized under the laws of the State of California, United States, operates a business in the field of lighting fixtures, lighting, home furnishings, and décor. It was founded in 1976 and is one of the leading retailers in the US, specializing in this field.

The Complainant is the owner of two national trademark registrations. Details of the relevant trademark registrations are as follows:

- US trademark, POSSINI EURO DESIGN no. 5,605,588, registered on November 13, 2018, in class 11 for “lamps” with a claimed first use on May 6, 1999;
- US trademark, POSSINI no. 2,627,737, registered on October 1, 2002, covering goods in class 11 for “table lamps, floor lamps, electric lighting fixtures” with a claimed first use on September 25, 2000.

The Complainant also maintains an active online presence through its website at “www.lampsplus.com”, where it offers goods covered by the above-mentioned trademark registrations. In addition to its online presence, the Complainant maintains multiple retail locations throughout the United States.

The Respondent registered the disputed domain name on March 25, 2024. According to the evidence submitted, the disputed domain name resolved to a page that displayed identical trademarks and goods to those of the Complainant, and also displayed the Complainant's contact details. At the time of the Panel's review, the disputed domain name resolves to an error page stating: “The page could not be loaded because the server could not be found.”

There is no evidence in the record of any relationship between the Complainant and the Respondent.

5. Parties' Contentions

A. Complainant

Notably, the Complainant contends that the disputed domain name <possinieurodesign.com> is confusingly similar to its earlier trademarks POSSINI and POSSINI EURO DESIGN, being used to suggest an affiliation with the Complainant misleadingly and to take unfair advantage of the reputation of its marks.

Further, the Complainant contends that the Respondent is hosting an unauthorized website featuring the Complainant's POSSINI trademark and Possini branded products, and states that the Respondent has no rights or legitimate interests in the disputed domain name or trademarks, and the Respondent is even unknown to the Complainant.

The Complainant asserts that through the unfair and unauthorized use of the disputed domain name, consumers are likely to mistakenly believe that it originates from, is associated with, or is sponsored by the Complainant, which is not the case.

The Complainant claims that the Respondent has no business relationship with the Complainant. It is neither an authorized dealer, distributor, or licensee of the Complainant, nor has it been permitted by the Complainant to use its prior rights.

In this scope, the disputed domain name displays the Complainant's trademarks on its landing page, uses the trademarks in the product descriptions, displays original photos for which the Complainant owns the copyrights, links to the Complainant's Amazon store, and provides contact information of the Complainant as its own.

Finally, the Complainant claims that the Respondent intends to confuse consumers and to divert Internet traffic to its own website to monetize it via the Amazon Services LLC affiliate advertising program. This commercial use, based on deception and unauthorized use of the Complainant's trademarks, does not constitute a bona fide offering of goods or services, which is also not legitimate or fair use.

B. Respondent

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

6. Discussion and Findings

1. Procedural Consideration – Respondent's location

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 proceeding takes 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 proceeding should continue.

The Respondent's mailing address is reported to be in Ukraine, which is subject to a conflict that may affect delivery of the written notice by postal mail, in terms of paragraph 2(a)(i) of the Rules. The Panel notes that the record shows that the written notice could not be delivered to the address disclosed by the Registrar in its verification ("Delivery failed: Recipient absent").

However, it appears that the Notification of Complaint email communication was delivered to the Respondent's email address, as provided by the Registrar. Therefore, there is no evidence that the case notification was not successfully delivered to the disclosed Respondent's email address.

It is moreover noted that, for the reasons which are set out later in this Decision, the Panel has no serious doubt (albeit in the absence of any Response) that the Respondent registered and has used the disputed domain name in bad faith, and with the intention of unfairly targeting the Complainant's trademark.

The Panel concludes that the Respondent allegedly located in Ukraine has been given a fair opportunity to present its case, and so that the administrative proceeding takes place with due expedition, the Panel will proceed to a Decision accordingly.

2. Substantive Considerations

Paragraph 15(a) of the Rules directs the Panel as to the principles to be applied in determining the dispute: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

The Policy provides, at paragraph 4(a), that each of the three elements must be made for a complaint to prevail:

- (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;
- (iii) the disputed domain name has been registered and is being used in bad faith.

Pursuant to paragraph 14(b) of the Rules, where a party does not comply with any provision of the Rules, in the absence of exceptional circumstances, the Panel may draw such inferences therefrom as it considers appropriate.

Considering the Parties' submissions, the Policy, the Rules, the Supplemental Rules, and applicable law, the Panel's findings with respect to each of the above elements are set out below.

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 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 identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Complainant's mark consists of a distinctive three-part combination, POSSINI-EURO-DESIGN, with all elements reproduced in the disputed domain name in the same order.

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.

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.

The Panel notes that the disputed domain name incorporates in full the Complainant's trademarks, and the affiliated website clearly seeks commercial gain from user confusion. Such use that is impersonating the Complainant is not a bona fide offering of goods, and does not confer rights or legitimate interests to the Respondent. Further, the Respondent uses the disputed domain name, without the authorization or approval

of the Complainant, to pass off the website as an official website of or approved by the Complainant by also using the Complainant's trademarks and original photos of the Complainant's products on the website, for commercial gain. [WIPO Overview 3.0](#), section 2.13.1.

The Panel further notes that the Respondent's website was taken down at some stage following the filing of the Complaint, which supports the Respondent's lack of rights or legitimate interests in the disputed domain name. See *Spyder Active Sports, Inc. v. Zhang Fei*, WIPO Case No. [D2024-3097](#)

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 the Respondent has intentionally attempted to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's mark in accordance with paragraph 4(b)(iv) of the Policy.

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances indicating bad faith registration and use. The Panel notes that additional circumstances not explicitly listed in the Policy may also support a finding of bad faith, in line with [WIPO Overview 3.0](#), section 3.2.1.

The disputed domain name entirely reproduces the Complainant's trademark POSSINI EURO DESIGN. The Panel finds that it is implausible that the Respondent arrived at the distinctive three-part combination domain name by coincidence. This indicates that the Respondent either knew or should have known the Complainant's mark and deliberately targeted it.

Panels have held that the use of a domain name for illegitimate activity, e.g. impersonation, or passing off, constitutes bad faith. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. [WIPO Overview 3.0](#), section 3.4.

In this context, the Respondent replicated on its website the Complainant's copyrighted photos and trademarks together with the Complainant's contact details without any authorization to do so, to mislead consumers to the Respondent's website and to derive an unwarranted financial advantage in so doing.

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 <possinieurodesign.com> be transferred to the Complainant.

/Dilek Zeybel/

Dilek Zeybel

Sole Panelist

Date: April 22, 2025