

ADMINISTRATIVE PANEL DECISION

Lamps Plus, Inc. v. Cross Omar
Case No. D2025-0787

1. The Parties

Complainant is Lamps Plus, Inc., United States of America (“United States”), represented by Sheppard, Mullin, Richter & Hampton LLP, United States.

Respondent is Cross Omar, United States.

2. The Domain Name and Registrar

The disputed domain name <possinieurodesignlamp.com> (the “Disputed Domain Name”) is registered with Gname.com Pte. Ltd. (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 27, 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) and contact information in the Complaint. The Center sent an email communication to Complainant on March 3, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. 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 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. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on April 3, 2025.

The Center appointed Michael A. Albert 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

Complainant has been one of the largest specialty lighting retailers in the United States for nearly 40 years. It operates an e-commerce business at “www.lampsplus.com”, along with 35 storefronts in the western United States. Complainant carries a range of lighting, home furnishings and décor, including original and customizable lamps. Complainant also sells its products through large retail establishments and online.

Since its inception, Complainant has invested substantial amounts in the development of a portfolio of trademark-protected brands within the lighting, décor, and furniture industries. Complainant provides its goods and services under those well-known trademarks, which include the term “Possini” (the “POSSINI Marks”) listed below.

Mark	Reg. No.	Goods/Services	Date of First Use	Reg. Date
POSSINI	2,627,737	Cl. 11: Table lamps; floor lamps; electric lighting fixtures Cl. 21: Decorative bowls; urns	September 25, 2000	October 1, 2002
POSSINI EURO DESIGN	5,605,588	Cl. 11: Lamps	May 6, 1999	November 13, 2018

Respondent registered the Disputed Domain Name on November 16, 2024, decades after Complainant started using and obtained federal registrations for the POSSINI Marks.

The Disputed Domain Name incorporates the mark POSSINI in its entirety, and resolves to a website that (1) prominently displays Complainant’s POSSINI Marks in its landing page; (2) uses the POSSINI Marks in the product descriptions and product tags; and (3) displays Complainant’s original photos protected by copyrights throughout.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Disputed Domain Name.

Specifically, Complainant contends that Respondent chose to register the Disputed Domain Name, which incorporates Complainant’s POSSINI Marks. As numerous courts and prior UDRP panels have recognized, the incorporation of a trademark in its entirety is sufficient to establish that a domain name is identical or confusingly similar to the complainant’s registered mark.

Respondent has no rights or legitimate interests with respect to the Disputed Domain Name. Complainant believes that Respondent is not a representative of Complainant, has no business relationship with Complainant, does not have a license to use the POSSINI Marks, and is not authorized by Complainant to register any domain name incorporating the POSSINI Marks. Respondent is using the Disputed Domain Name to divert Internet traffic to a commercial website offering unauthorized sales of Possini-branded products at highly discounted prices, which is not a legitimate noncommercial or fair use under the Policy.

Respondent’s registration and use of the Disputed Domain Name was, and continues to be, in bad faith with both actual and constructive knowledge of Complainant’s rights to the POSSINI Marks. The Disputed

Domain Name resolves to a landing page that prominently displays POSSINI in connection with the unauthorized sales of Possini-branded products at highly discounted prices. Respondent further implies an association with Complainant as Respondent's website uses Complainant's original photos protected by copyrights and the POSSINI Marks in the product descriptions.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

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. Here, 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 Disputed Domain Name incorporates the POSSINI Marks in their entirety. Although the addition of the term "lamp" may bear on assessment of the second and third elements, such term does not prevent a finding of confusing similarity between the Disputed Domain Name and the POSSINI Marks under the first element. [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.

Having reviewed the available record, the Panel finds that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Disputed Domain Name. There are certainly circumstances in which resellers of genuine trademarked products can establish rights or legitimate interests in the use of a mark. [WIPO Overview 3.0](#), section 2.8. But here, Respondent has not responded to the Complaint and thus has not offered any rebuttal at all to Complainant's prima facie showing. Absent some showing of evidence or argument demonstrating rights or legitimate interests in the Disputed Domain Name, such as those enumerated in the Policy or otherwise, Respondent fails to rebut Complainant's prima facie case.

Accordingly, Respondent's offering of unauthorized goods on the website at the Disputed Domain Name in connection with the POSSINI Marks without any accurate and prominent disclaimer regarding Respondent's lack of relationship with Complainant does not constitute a bona fide offering of goods or services that could establish any rights or legitimate interests in the Disputed Domain Name.

Further, the Panel notes that the addition of the term “lamp” is associated with the very category of products sold by Complainant in connection with Complainant’s marks. It is clear from Respondent’s use of the POSSINI Marks with the descriptive term “lamp” in the Disputed Domain Name that the Disputed Domain Name is intended to relate directly to Complainant’s Possini brand lighting, suggesting to consumers where they can buy the products. Therefore, the composition of the Disputed Domain Name carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

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

C. Registered and Used in Bad Faith

It is evident from the Disputed Domain Name itself and the references on the associated website to Complainant and its products that Respondent had actual knowledge of Complainant’s POSSINI Marks and registered the Disputed Domain Name with the intention of directing Internet traffic to a website selling unauthorized Possini-branded products.

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, although 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. Paragraph 4(b)(iv), in particular, provides that evidence of bad faith may be found when a respondent “using the domain name ... [has] intentionally attempted to attract, for commercial gain, Internet users to [its] web site or other on-line location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of [the respondent’s] web site or location or of a product or service on [the respondent’s] web site or location.”

On the facts of record, Respondent has registered and used the Disputed Domain Name in bad faith in the manner described in paragraph 4(b)(iv) of the Policy. Respondent’s use of the precise marks long used by Complainant in connection with the precise same category of goods seems to meet the paragraph 4(b)(iv) test, and Respondent has come forward with no evidence or argument to rebut that showing.

Accordingly, the Panel finds that 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 <possinieurodesignlamp.com> be transferred to Complainant.

/Michael A. Albert/

Michael A. Albert

Sole Panelist

Date: April 22, 2025