

## **ADMINISTRATIVE PANEL DECISION**

Car Seat Headrest, a Partnership, and Car Seat Headrest LLC v.

Bui Ngoc Hai

Case No. D2025-0830

### **1. The Parties**

The Complainants are Car Seat Headrest, a Partnership, United States of America (“United States”), and Car Seat Headrest LLC, United States, represented by Sipara, United Kingdom.

The Respondent is Bui Ngoc Hai, Viet Nam.

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

The disputed domain name <carseatheadrestshop.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 27, 2025. On February 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 3, 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 (Namecheap, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainants on March 4, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on March 12, 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 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 3, 2025.

The Center appointed Warwick A. Rothnie as the sole panelist in this matter on April 10, 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 Complainants are a musical partnership comprised of two performers, Will Toledo and Mike Scrafford, who record and perform under the name “Car Seat Headrest”, and their limited liability corporation through which many of their business activities are undertaken.

The Complainants first began performing under their group name in 2010. Their company has been operating since 2017.

The Complainants streaming platform attracts of 1.3 million monthly listeners. Their Facebook account has more than 100,000 followers. Their YouTube account has 91.7 thousand subscribers. Their most successful YouTube video has generated 2.5 million views. Their Instagram account has 178,000 followers and their X account (formerly Twitter) has 101,000 followers.

One of the group’s albums was ranked number 30 in *Rolling Stones’* Top 50 albums for 2015. *Pitchfork* ranked one of their songs number 20 in its 100 Best Songs of 2016; their album from that year being ranked number 24 in the 50 Best Albums of 2016.

As might be expected with performing and recording artists, the Complainants make available merchandise featuring their band name through a dedicated website at “[www.carseatheadrestmerch.com](http://www.carseatheadrestmerch.com)”.

The disputed domain name was registered on January 3, 2023.

It resolves to a website which offers merchandise under the “Car Seat Headrest” name and claiming to be the “Official” website for fans of the Complainants’ band.

#### **5. Discussion and Findings**

No response has been filed. The Complaint and Written Notice have been sent, however, to the Respondent at the electronic and physical coordinates confirmed as correct by the Registrar in accordance with paragraph 2(a) of the Rules. Bearing in mind the duty of the holder of a domain name to provide and keep up to date correct Whols details, therefore, the Panel finds that the Respondent has been given a fair opportunity to present his or its case.

When a respondent has defaulted, paragraph 14(a) of the Rules requires the Panel to proceed to a decision on the Complaint in the absence of exceptional circumstances. Accordingly, paragraph 15(a) of the Rules requires the Panel to decide the dispute on the basis of the statements and documents that have been submitted and any rules and principles of law deemed applicable.

Paragraph 4(a) of the Policy provides that in order to divest the Respondent of the disputed domain name, the Complainants must demonstrate each of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of 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**

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 Complainants' 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 Panel finds the Complainants have established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

While the terms "car seat" and "headrest" are plainly descriptive terms of automotive component parts, they are not at all descriptive and are highly distinctive of musical performance and recordings. Given the combined expression is the band name under which the band's albums and "songs" are released and the merchandise is provided, the Complainants have established a strong reputation in their name as a distinctive common law mark.

The entirety of the Complainants' mark is reproduced within the disputed domain name which, apart from the generic Top-Level-Domain (gTLD), only adds the descriptive word "shop". 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, "shop" ) may bear on assessment of the second and third elements, the Panel finds the addition of that 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.

Panel finds the first element of the Policy has not been established.

### **B. Rights or Legitimate Interests**

The second requirement the Complainants must prove is that the Respondent has no rights or legitimate interests in the disputed domain name.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to [the Respondent] of the dispute, [the Respondent's] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a bona fide offering of goods or services; or
- (ii) [the Respondent] (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if [the Respondent] has acquired no trademark or service mark rights; or
- (iii) [the Respondent] is making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

While 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 often impossible 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. 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 Respondent registered the disputed domain name well after the Complainants began using their trademark.

The Complainants state that they have not authorised the Respondent to use the disputed domain name. Nor is the Respondent affiliated with them.

The disputed domain name is not derived from the Respondent's name. Nor is there any suggestion of some other name by which the Respondent is commonly known from which the disputed domain name could be derived. From the available record, the Respondent does not appear to hold any trademarks for the disputed domain name.

The website to which the disputed domain name resolves falsely presents itself as the "official" website of the Complainants' band. That misrepresentation in itself precludes reliance on a reseller defence as it diverts custom from the Complainants on a false and misleading basis.

These matters, taken together, are sufficient to establish a prima facie case under the Policy that the Respondent has no rights or legitimate interests in the disputed domain name. The basis on which the Respondent has adopted the disputed domain name, therefore, calls for explanation or justification. The Respondent, however, has not sought to rebut that prima facie case or advance any claimed entitlement. Accordingly, the Panel finds the Complainants have established the second requirement under the Policy also.

### **C. Registered and Used in Bad Faith**

Under the third requirement of the Policy, the Complainants must establish that the disputed domain name has been both registered and used in bad faith by the Respondent. These are conjunctive requirements; both must be satisfied for a successful complaint: see e.g., *Group One Holdings Pte Ltd v. Steven Hafto* WIPO Case No. [D2017-0183](#).

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

As the term "Car Seat Headrest" is an invented or coined term in respect of the Complainants' musical and performing services and the associated merchandise, the Panel confidently infers the Respondent well knew of the Complainants and their trademark in circumstances where the Respondent purports to be selling, or offering for sale, merchandise for the Complainants' band and holding itself out as the "official" shop.

As that is a false representation about the provenance of the Respondents' products and association with the Complainants, the Panel has no hesitation in finding that the Respondent has registered the disputed domain name in bad faith and the Respondent's subsequent, misleading use is use in bad faith.

Accordingly, the Complainants have established all three requirements under the Policy.

## 6. 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 <carseatheadrestshop.com> be transferred to the Complainants.

*/Warwick A. Rothnie/*

**Warwick A. Rothnie**

Sole Panelist

Date: April 24, 2025