

ADMINISTRATIVE PANEL DECISION

The Lovesac Company v. liang yang zhu, yang zhu da dui qqqqqqq
Case No. D2025-1461

1. The Parties

The Complainant is The Lovesac Company, United States of America (“United States”), represented by Polsinelli PC, United States.

The Respondent is liang yang zhu, yang zhu da dui qqqqqqq, China.

2. The Domain Name and Registrar

The disputed domain name <lovesaclife.shop> is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on April 9, 2025. On April 10, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 11, 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 the Complainant on April 23, 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 in English on April 28, 2025.

On April 23, 2025, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On April 28, 2025, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on April 29, 2025. In accordance with the

Rules, paragraph 5, the due date for Response was May 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 27, 2025.

The Center appointed Deanna Wong Wai Man as the sole panelist in this matter on May 30, 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 retailer of furniture products under the trademark LOVESAC, founded in the United States in 1995, and listed on the NASDAQ Stock Exchange since June 2018. The Complainant states to be best known for its iconic beanbag-style seats and its modular couch system. The Complainant commercializes its products through its website at "www.lovesac.com", which displays its LOVESAC trademark with a slogan "Designed for Life Furniture Co.", and through various social media platforms, including Instagram, Facebook, and X. The Complainant has also promoted its LOVESAC brand through sponsorship of major events like New York Fashion Week, and through partnerships with celebrities like athlete Shaun White, musician Brandy, and actress Haley Lu Richardson, etc.

The Complainant owns an international portfolio of trademark registrations for the LOVESAC. These include, but are not limited to, United States Trademark Registration Number 2659121 (registered on December 10, 2002) for the word mark LOVESAC, and Chinese Trademark Registration Number 41866595 (registered on October 14, 2021) for the word mark LOVESAC.

The disputed domain name was registered on December 25, 2024, and is therefore of a later date than the abovementioned registered trademarks owned by the Complainant. The Complainant claims that the disputed domain name resolved a website mimicking the Complainant's website and the Complainant's trademark counsel has sent several takedown requests to the Registrar and web hosting platforms. The Panel notes that the disputed domain name is currently not linked to an active website.

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant contends that the disputed domain name is confusingly similar to its trademarks for LOVESAC, since it incorporates this mark in its entirety, adding only the word "life". The Complainant contends that the Respondent is not a licensee of the Complainant, nor is the Respondent otherwise entitled or authorized in any way to use the Complainant's LOVESAC mark for any purpose. The Complainant further states that the Respondent's primary interest in the disputed domain name is to abuse its similarity with the Complainant's main corporate domain name for the purposes of profiting from the confusion with the LOVESAC marks. The Complainant argues that the Respondent registered the disputed domain name in order to create a false and misleading association between the Respondent and the Complainant, in an attempt to impersonate the Complainant. The Complainant also contends that the Respondent's sole motivation in relation to the registration and use of the disputed domain name was to capitalize on or otherwise take advantage of the Complainant's trademark rights. The Complainant states that the Respondent has used the disputed domain name for the illegitimate purpose of attracting Internet users to the Respondent's website by creating confusion as to the source, sponsorship, affiliation, or endorsement as to the Respondent's website or products sold on the website. The Complainant essentially argues that in these circumstances, the Respondent has no rights or legitimate interests in the disputed domain name and the registration and use of the disputed domain name are made in bad faith.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the Complainant is an entity located in the United States and English is the main language of communication for the Complainant; that the Complainant is not able to communicate in Chinese; that if required to submit all documents in Chinese these proceedings will be unduly delayed; that the Complainant would have to incur substantial expenses for such translations; and that the disputed domain name includes English words, which similarly indicates that the Respondent is familiar with the English language.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues

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.

The entirety of the mark is reproduced within the disputed domain name. 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, "life", may bear on assessment of the second and third elements, the Panel finds the addition of such 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.

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.

While the Panel notes that the Complainant apparently failed to provide any concrete evidence regarding the claimed use of the disputed domain name by the Respondent for a website mimicking the Complainant’s website, the Panel has conducted its own limited factual research into matters of public record (see [WIPO Overview 3.0](#), section 4.8) and notes that the disputed domain name directs to an inactive or error webpage, possibly due to the Complainant’s trademark counsel’s takedown requests. Under the circumstances of this case, the Panel finds that merely holding a domain name passively, without making any use of it, does not confer any rights or legitimate interests in the disputed domain name on the Respondent (see in this regard earlier UDRP decisions such as *Bollore SE v. 赵竹飞 (Zhao Zhu Fei)*, WIPO Case No. [D2020-0691](#); and *Vente-Privee.Com and Vente-Privee.com IP S.à.r.l. v. 崔郡 (jun cui)*, WIPO Case No. [D2021-1685](#)).

Finally, the Panel also finds that the disputed domain name incorporates the Complainant’s mark LOVESAC entirely and merely combines it with the descriptive word “life”. Considering the slogan “Designed for Life” used by the Complainant together with its trademark on the Complainant’s website, the Panel finds that the composition of the disputed domain name, by itself, carries a risk of implied affiliation with the Complainant and cannot constitute fair use, as the dispute domain name effectively impersonates the Complainant and its products or suggests sponsorship or endorsement by the Complainant (see [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

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 registered a domain name which is confusingly similar to the Complainant’s intensely used LOVESAC trademarks and combined them with the dictionary word “life”. The Panel refers to a prior decision applying the Policy where the respective panel recognized the Complainant’s trademark rights in the LOVESAC marks, see *The Lovesac Company v. PLS Trading Pty Ltd*, WIPO Case No. [DAU2021-0025](#), and accepts that the Complainant’s LOVESAC marks benefit from a strong reputation, particularly in the United States. In this context, the Panel also refers to the

[WIPO Overview 3.0](#), section 3.1.4, which states “[p]anels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith”. Furthermore, the Panel also notes that the Complainant’s trademarks were registered many years before the registration date of the disputed domain name and has a strong online presence using those marks. The Panel also notes that the nature of the disputed domain name resembles the Complainant’s slogan “Designed for Life” associated with its LOVESAC trademark. The Panel infers from these elements that the Respondent knew, or at least should have known, of the existence of the Complainant’s trademarks at the time of registering the disputed domain name. In the Panel’s view, these elements indicate bad faith on the part of the Respondent, and the Panel therefore finds that it has been demonstrated that the Respondent registered the disputed domain name in bad faith.

As to use of the disputed domain name in bad faith, panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the strong reputation of the Complainant’s trademark, the composition of the disputed domain name and the lack of a response or any type of cooperation from the Respondent in this proceeding 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.

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 <lovesaclife.shop> be transferred to the Complainant.

/Deanna Wong Wai Man/

Deanna Wong Wai Man

Sole Panelist

Date: June 13, 2025