

ADMINISTRATIVE PANEL DECISION

Indo Count Global, Inc. v. Wen He
Case No. D2025-1478

1. The Parties

The Complainant is Indo Count Global, Inc., United States of America (“U.S.”), represented by Covington & Burling LLP, U.S.

The Respondent is Wen He, China.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 10, 2025. On April 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 14, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 April 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 13, 2025.

The Center appointed Torsten Bettinger as the sole panelist in this matter on May 16, 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 the U.S. based subsidiary of Indo Count Industries Ltd., a leading Indian manufacturer and exporter of home textiles, particularly bed linens.

The Complainant has submitted evidence that it is the owner of a large number of trademark registrations, including the following:

- WAMSUTTA, U.S. Reg. No. 1,233,623, registered on April 5, 1983, for pillow cases, sheets, dust ruffles, comforters, pillow shams, draperies, and bedspreads, as well as piece goods made of cotton, synthetic fibers and blends thereof, and towels;
- WAMSUTTA, U.S. Reg. No. 1,909,067, registered on August 1, 1995, for bath mats and rugs;
- WAMSUTTA, U.S. Reg. No. 3,029,557, registered on December 13, 2005, protects the mark in connection with bed blankets, blanket throws, and mattress covers;
- W WAMSUTTA SINCE 1846, U.S. Reg. No. 4,806,894 (design), registered on September 8, 2015, for pillows; bed skirts, bed blankets, comforters, crib sheets, duvets, mattress pads, pillow cases, quilts, bed sheets, and shower curtains.

The Respondent registered the disputed domain name <wamsuttashop.com> on May 31, 2024.

The disputed domain name resolves to a website which features Wamsutta home textile products and offers a range of items including sheets, towels, pillows, and bath rugs.

The website provides detailed product descriptions, specifications, and pricing information and redirects users to an “amazon.com” website for the final purchase process.

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.

The Complainant states that the WAMSUTTA mark was first used in connection with towels, sheets, and other home linens at least as early as September 6, 1950, and as a result has acquired substantial goodwill in the United States and in other countries around the world.

With regard to the requirement of “identity or confusing similarity between the trademark and the domain name” pursuant to paragraph 4(a)(i) of the Policy, the Complainant submits that

- the disputed domain name is substantially and confusingly similar to Complainant's WAMSUTTA Marks, as it includes the entire WAMSUTTA mark, with the addition of the generic term “shop”;
- adding the generic term “shop,” to the WAMSUTTA mark heightens the likelihood of consumer confusion because it suggests incorrectly that the website is the official website of Indo Count's WAMSUTTA product line.

With regard to the Respondent having no rights or legitimate interests in the disputed domain name, the Complainant submitted that

- Complainant has established rights to the WAMSUTTA Marks and has not licensed or authorized Respondent to use the Marks in connection with its business or as part of the disputed domain name;
- there is no evidence that Respondent is commonly known by the disputed domain name nor does Respondent use the domain name to host a website where it uses the term “wamsutta” to refer to anything other than the WAMSUTTA mark;

- Respondent's use of the disputed domain name to redirect to competing products at <amazon.com> does not constitute a bona fide offering of goods or services.

Finally, with regard to the disputed domain name having been registered and being used in bad faith, the Complainant argues that,

- Respondent has actual or constructive knowledge of the WAMSUTTA mark;
- Respondent was using the disputed domain name to impersonate an official WAMSUTTA website featuring detailed information about the WAMSUTTA brand and purporting to offer a variety of products under the WAMSUTTA mark;
- the Amazon link on the website to which the disputed domain name resolves redirects Internet users to <amazon.com> webpages featuring either competing non-Wamsutta products or counterfeit products that are inaccurately labelled as WAMSUTTA products;
- Respondent's registration and use of the disputed domain name to impersonate an official Wamsutta webpage is disruptive of Complainant's business;

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy states that the Complainant must prove each of the three following elements:

- (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 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 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 Complainant has established rights in the WAMSUTTA trademark through multiple U.S. trademark registrations.

The disputed domain name incorporates the Complainant's mark WAMSUTTA in its entirety and merely appends the descriptive term "shop," along with the generic Top-Level Domain ("gTLD") ".com."

It is well-established under the UDRP that the addition of generic or descriptive terms (such as "shop") to a trademark does not prevent a finding of confusing similarity.

Furthermore, the addition of the gTLD ".com" is a standard registration requirement and is typically disregarded when assessing confusing similarity under the first element.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's WAMSUTTA trademark within the meaning of paragraph 4(a)(i) of the Policy.

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 material in the Complaint and its annexes, the Panel finds that the Complainant has established prior and extensive rights in the WAMSUTTA mark. The Complainant has stated that it has not licensed or authorized the Respondent to use those mark in any capacity, including in connection with the disputed domain name.

There is also no indication that the Respondent is using the disputed domain name for a bona fide offering of goods or services. The Complainant provided evidence that the disputed domain name is used to redirect visitors to <amazon.com> product listings that either feature competing, non-Wamsutta-branded items or allegedly counterfeit goods mislabeled as Wamsutta products.

Such redirection does not confer any right or legitimate interest under the Policy. To the contrary, it demonstrates an attempt to misleadingly profit from the Complainant’s trademark by trading on its reputation and goodwill.

Although given the opportunity, the Respondent has failed to invoke any circumstances which could demonstrate, pursuant to paragraph 4(c) of the Policy or otherwise, any rights or legitimate interests in respect of the disputed domain name.

The Respondent has not submitted any evidence indicating that it is the owner of any trademark or that it is commonly known by the disputed domain name. Furthermore, there is no evidence indicating that the Respondent intends to make 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.

Thus, there is no evidence in the case that refutes the Complainant’s submissions, and the Panel finds that the Complainant has also proven the requirement under paragraph 4(a)(ii) of the Policy.

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 Complainant provided evidence of multiple trademark registrations for the WAMSUTTA mark that predate the registration of the disputed domain name.

The disputed domain name incorporates the Complainant’s mark WAMSUTTA in its entirety and merely appends the descriptive term “shop”. The Complainant’s trademark WAMSUTTA is distinctive and has been extensively used for many years.

The Panel therefore finds that the Respondent had actual knowledge of the Complainant's trademark rights when registering the disputed domain name and therefore registered the disputed domain name in bad faith.

The Complainant has provided evidence that indicates that the Respondent registered the disputed domain name with the intention of impersonating an official WAMSUTTA website. The website to which the domain resolves prominently displays detailed information about the WAMSUTTA brand and purports to offer WAMSUTTA products, creating a misleading appearance of authenticity and official affiliation.

However, the links embedded on the site redirect users to <amazon.com> listings of either unrelated third-party products or counterfeit items improperly labeled as WAMSUTTA goods. This conduct is disruptive to the Complainant's business and misleads consumers for commercial gain. It constitutes bad faith use under paragraph 4(b)(iv) of the Policy, as the Respondent has intentionally attempted to attract Internet users to its website for commercial benefit by creating a likelihood of confusion with the Complainant's mark.

Additionally, the Respondent's conduct satisfies paragraph 4(b)(iii) of the Policy, as the Respondent's attempt to impersonate an official WAMSUTTA website and redirection of users to competitors or counterfeits is clearly disruptive of the Complainant's legitimate business.

Accordingly, the Panel finds that the Respondent registered and is using the disputed domain name in bad faith, within the meaning of paragraph 4(a)(iii) 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 <wamsuttashop.com> be transferred to the Complainant.

/Torsten Bettinger/

Torsten Bettinger

Sole Panelist

Date: May 30, 2025