

ADMINISTRATIVE PANEL DECISION

Best Chairs Incorporated v. huijiang zhang
Case No. D2025-1637

1. The Parties

The Complainant is Best Chairs Incorporated, United States of America ("United States"), represented by Dentons Bingham Greenebaum LLP, United States.

The Respondent is huijiang zhang, China.

2. The Domain Name and Registrar

The disputed domain name <best-homefurnishings.com> is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 23, 2025. On April 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 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 (Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 28, 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 the amended Complaints on April 30, 2025, and May 1, 2025.

The Center verified that the Complaint together with the amended Complaints 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 May 2, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 22, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 27, 2025.

The Center appointed Alistair Payne as the sole panelist in this matter on June 2, 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 was incorporated in 1962 in Indiana in the United States and is a family owned and operated company with facilities that cover over 1,100,000 square feet in five locations in the United States with nearly 1,000 employees. Since 2017 it has traded its entire product range under the name “Best Home Furnishings” and has used the BEST HOME FURNISHINGS combined word and logo mark from November 2003 which trade mark was registered under United States Trade Mark Registration No. 4930320 on April 5, 2016. It also owns United States trade mark registration 2871238 for the word mark BEST HOME FURNISHINGS which mark was registered on August 10, 2004. The Complainant operates its main website at the domain name <besthf.com> from which it promotes its home furnishings range.

The disputed domain name was registered on April 29, 2024 and resolves to a website which features a copy of the Complainant’s registered BEST HOME FURNISHINGS combined word and logo mark which only has some slight differences from the Complainant’s mark, and offers for sale in United States Dollars and from an address in Charlotte in the United States, various home décor and furnishing items.

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 it owns registered trade mark rights for its BEST HOME FURNISHINGS trade mark as noted above. It submits that the disputed domain name is confusingly similar and nearly identical to the Complainant’s registered trade mark rights and differs only by the inclusion of a hyphen between the words “best” and “home”. Accordingly, says the Complainant, the disputed domain name is confusingly similar to its registered trade mark rights.

The Complainant submits that it has never licensed or authorised the Respondent to use its trade mark and that it has found no evidence that the Respondent has been known as “Best Home Furnishings” or that it is making a bona fide offering of goods or services under that mark. It notes that the Respondent has not filed an application to register “Best-Home Furnishings” as a trade mark in the United States and that a Google search returned no results showing use of the mark by the Respondent. The Complainant says that the disputed domain name is being used to advertise and sell home furniture and goods which are the same or are related to the goods that the Complainant offers and that it is doing this using a counterfeit copy of the Complainant’s BEST HOME FURNISHINGS combined word and logo mark, which amounts to fraudulent and illegal use of the Complainant’s marks and of the disputed domain name. As a result, the Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name and is not making a legitimate, noncommercial or fair use of it.

As far as registration in bad faith is concerned, the Complainant says that the disputed domain name was registered more than five years after the registration of its combined word and logo mark and many years after the Complainant started using its mark and the Respondent should have been aware of its mark. In addition, says the Complainant, the Respondent is using the disputed domain name to resolve to a website on which it is illicitly using the Complainant’s combined word and logo mark to advertise and sell homeware goods. The Complainant says that this amounts to paradigmatic bad faith registration and use with a view to financial gain and shows that the Respondent was almost certainly aware of the Complainant’s rights when it

registered the disputed domain name. According to the Complainant, this amounts to conduct that fulfills the requirements of paragraph 4(b)(iv) of the Policy which amounts to evidence of registration and use in bad faith.

B. Respondent

The Respondent did not reply to the 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.

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 Panel finds the mark is recognizable 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 a hyphen between "best" and "homefurnishings" may bear on assessment of the second and third elements, the Panel finds the addition of such an element 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.

The Complainant has submitted that it has never licensed or authorised the Respondent to use its trade mark and that it has found no evidence that the Respondent has been known as "Best Home Furnishings" or that it is making a bona fide offering of goods or services under that mark. It has asserted that the Respondent has not filed an application to register "Best-Home Furnishings" as a trade mark in the United States and that a Google search returned no results showing use of the mark by the Respondent. The Complainant has also demonstrated that the disputed domain name is being used to advertise and sell home furniture and goods which are at the least related to the goods that the Complainant offers and that it is doing this using a counterfeit copy of the Complainant's BEST HOME FURNISHINGS combined word and logo

mark which only has some slight differences. This does not amount to a legitimate, noncommercial or fair use of the disputed domain name and is not consistent with the Respondent having rights or legitimate interests in the disputed domain name.

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 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.

The disputed domain name was registered more than five years after the registration of the Complainant's combined word and logo mark and many years after the Complainant started using its mark. This together with the fact that the Respondent is using the disputed domain name to resolve to a website on which it is illicitly using a logo which only has some slight differences from the Complainant's combined word and logo mark to advertise and sell homeware goods leads to a strong inference that the Respondent was almost certainly aware of the Complainant's rights when it registered the disputed domain name.

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation or endorsement of the website.

The disputed domain name resolves to a website which features an unauthorised copy of the Complainant's BEST HOME FURNISHINGS combined word and logo mark which only has some slight differences from the Complainant's mark, and promotes and offers for sale homeware items, which according to the Complainant have some degree of crossover with its own products. There is no disclaimer on the site disassociating the Respondent's business from the Complainant's and overall it appears that the Respondent has sought to use the disputed domain name and a logo which is similar to the Complainant's combined word and logo mark on its website in order to confuse Internet users in to thinking that they have been directed to the Complainant's website, or at the least that there is some affiliation between the Respondent's website and the Complainant's, when this is not the case. This amounts to a classic case of the Respondent targeting the Complainant and seeking to trade off the goodwill attaching to the Complainant's name and trade mark for its own commercial purposes in bad faith.

This amounts to use of the disputed domain name to intentionally attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation or endorsement of the website which fulfills the requirements of paragraph 4(b)(iv) of 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 <best-homefurnishings.com> be transferred to the Complainant.

/Alistair Payne/

Alistair Payne

Sole Panelist

Date: June 13, 2025