

ADMINISTRATIVE PANEL DECISION

Sennheiser electronic GmbH & Co. KG v. Andre Gunter
Case No. D2025-2103

1. The Parties

The Complainant is Sennheiser electronic GmbH & Co. KG, Germany, represented by BETTINGER SCHEFFELT Partnerschaft mbB, Germany.

The Respondent is Andre Gunter, Italy.

2. The Domain Name and Registrar

The disputed domain name <sennheisertreasurehunt.com> is registered with Spaceship, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 28, 2025. On May 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 29, 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 Purposes, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 2, 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 on June 2, 2025, and a further amended Complaint on June 10, 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 June 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 2, 2025.

The Center appointed Andrew F. Christie as the sole panelist in this matter on July 7, 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 company was founded in 1945 as “Laboratorium Wennebostel” by Mr. Fritz Sennheiser. Since then, the Complainant has expanded to an international company with more than 2,800 employees and three different manufacturing plants, one each in Germany, Ireland, and the United States of America (“US”), as well as sales subsidiaries and research laboratories worldwide. Today, the Complainant is a well-established independent family business, specializing in the design and production of a broad variety of premium audio products.

The Complainant has secured ownership of numerous trademark registrations in many jurisdictions throughout the world for the word trademark SENNHEISER, including International Trademark No. 670839 (registered March 6, 1997), European Union Trademark No. 000370122 (registered August 27, 1999), European Union Trademark No. 001594308 (registered August 21, 2001), and International Trademark No. 808137 (registered June 20, 2003).

The Complainant is the owner of numerous domain names consisting of or including its SENNHEISER trademark, registered under various generic Top-Level Domains (“gTLDs”) as well as under a number of country code Top-Level Domains (“ccTLDs”), including <sennheiser.com>, <sennheiser.net> and <sennheisershop.com>.

From 2020 to 2021, the Complainant undertook promotional campaigns called the “Sennheiser Treasure Hunt”, using the disputed domain name. The campaigns primarily aimed at engaging the Complainant’s global fanbase and promoting its high-end audio products. They invited participants to search for hidden codes across various online platforms, including Complainant’s own website and those of selected retail partners. The last campaign occurred in 2021, when the Complainant shifted its focus after selling its consumer audio division. The disputed domain name was deleted on September 29, 2022.

The disputed domain name was registered on January 21, 2025. The Complainant provided screenshots, taken on May 27, 2025, of the website to which the disputed domain name then resolved. That website was headed “Sennheiser Treasure Hunt”, and contained blog-style articles authored by “Alex Johnson”. The article headlines displayed were “Successful Social Media Contests: Best Practices for Engaging Your Audience”, “The Ultimate Guide to Winning Writing Contests: Crafting Compelling Stories and Essays”, and “Sennheiser Treasure Hunt: Ace the Audio Adventure”.

As at the date of this Decision, the disputed domain name resolved to a website containing the same three articles shown in the Complainant’s screenshots, and others blog-style articles, none of which appeared to be related to the Complainant. The article with the headline “Sennheiser Treasure Hunt: Ace the Audio Adventure” claims that the “Sennheiser Treasure Hunt “is back”, and purports to provide a strategy for boosting the chances of winning prizes in the campaign.

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 contends that the disputed domain name is identical or confusingly similar to a trademark in which it has rights on the following grounds. The presence of the Complainant’s SENNHEISER trademark

in the disputed domain name is sufficient to establish confusing similarity between the disputed domain name and the Complainant's trademark. The addition of the term "treasure hunt" does not prevent a finding of confusing similarity with the Complainant's trademark, which remains clearly recognizable in the disputed domain name. The gTLD is typically ignored when assessing the similarity between a trademark and a domain name.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name on the following grounds, among others. The Respondent is not a licensee of the Complainant and is not affiliated with the Complainant in any way. The Complainant has not granted any authorization for the Respondent to make use of its SENNHEISER trademark, in a domain name or otherwise. The disputed domain name resolves to a website that features blog-style articles authored by "Alex Johnson", discussing topics such as social media contests and writing competitions. These articles are not affiliated with Complainant or any official promotional activities of the Complainant and the use of the disputed domain name to promote such articles is therefore not bona fide. There is no evidence that the disputed domain name is used for a bona fide offering of goods or services or any noncommercial fair use. The content does not relate to the Complainant's audio products and instead misappropriates the Complainant's brand equity for unrelated personal publishing. The Complainant submits that it has established a prima facie showing that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Complainant contends that the Respondent has registered and is using the disputed domain name in bad faith on the following grounds, among others. The SENNHEISER trademark was registered several decades before the registration of the disputed domain name. The disputed domain name contains the Complainant's trademark in its entirety, combined with the descriptive term "treasure hunt," which was used in the Complainant's past official marketing campaigns. It is therefore evident that the Respondent was aware of the Complainant and targeted the Complainant's SENNHEISER trademark when registering the disputed domain name. Although the current website content is generic and unrelated to the Complainant's products, it includes articles that may serve to drive traffic for advertising revenue, affiliate links, SEO ranking, or data harvesting purposes. The use of the Complainant's trademark and campaign language in the disputed domain name is clearly intended to attract traffic under false pretenses, capitalizing on the Complainant's reputation for the Respondent's own potential commercial benefit. The website does not contain any clear disclaimer indicating that it is not affiliated with the Complainant. On the contrary, the disputed domain name alone is crafted to imply such an affiliation.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. It is the owner of a number of trademark registrations for the word trademark SENNHEISER.

The entirety of the Complainant's trademark is reproduced within the disputed domain name, with the addition of the phrase "treasure hunt". The Panel finds the Complainant's mark is recognizable within the disputed domain name, and that the additional phrase does not prevent a finding of confusing similarity between the disputed domain name and the trademark for the purposes of the Policy. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy.

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

B. Rights or Legitimate Interests

The composition of the disputed domain name, being the Complainant's word trademark together with a descriptive phrase that the Complainant has used in marketing campaigns, carries a risk of implied affiliation with the Complainant. The evidence establishes that the Respondent has used the disputed domain name to resolve to a website which contains blog-style articles on a range of topics, the general theme of which appears to be the conduct of and participation in online contests. The Panel acknowledges that one of the articles purports to concern the Complainant's Treasure Hunt marketing campaign. While not clearly a sham, it is notable that this article, dated May 20, 2025, claims that the Complainant's Treasure Hunt campaign "is back", when in fact the Complainant asserts that the campaign has not run since 2021. The bulk of the content on the website has no connection to the Complainant or its Treasure Hunt campaign. Furthermore, there is no disclaimer on the website indicating that the website is not affiliated with the Complainant. In the absence of any assertion, let alone evidence, by the Respondent to the contrary, the Panel concludes that the Respondent is neither using the disputed domain name in connection with a bona fide offering of goods or services that are related to the disputed domain name nor making legitimate noncommercial or fair use of 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 the Respondent registered the disputed domain name many decades after the Complainant first used and registered its SENNHEISER trademark, and that the disputed domain name incorporates the Complainant's trademark in its entirety together with a descriptive phrase that the Complainant used in marketing campaigns in connection with the trademark. It is clear the Respondent registered the disputed domain name with knowledge of the Complainant's trademark.

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, but other circumstances may be relevant in assessing whether a respondent's registration or use of a domain name is in bad faith. While it is not clear to the Panel that the website to which the disputed domain name resolves is commercial in nature, it is clear to the Panel that the disputed domain name has been used to intentionally attract Internet users to the website by creating a likelihood of confusion with the Complainant's trademark. In the circumstances of this case, that is a bad faith use of the disputed domain name.

Having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain name were in bad faith.

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 <sennheisertreasurehunt.com> be transferred to the Complainant.

/Andrew F. Christie/

Andrew F. Christie

Sole Panelist

Date: July 21, 2025