

ADMINISTRATIVE PANEL DECISION

Comfort Revolution, LLC v. Roy Barnes
Case No. D2025-2171

1. The Parties

The Complainant is Comfort Revolution, LLC, United States of America (“United States”), represented by Vice Cox & Townsend PLLC, United States.

The Respondent is Roy Barnes, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <comfortrevolutionpillow.com> is registered with Porkbun LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 3, 2025. On June 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 5, 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 (Whois Privacy / Private by Design, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 6, 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 amendment to the Complaint on June 9, 2025.

The Center verified that the Complaint together with the amendment to 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 June 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 8, 2025.

The Center appointed Luca Barbero as the sole panelist in this matter on July 14, 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 company specialized in developing, manufacturing and marketing sleep products, including beds, mattresses, bed foundations, pillows, and other comfort products and accessories under the COMFORT REVOLUTION mark.

The Complainant is the owner of the following trademark registrations for COMFORT REVOLUTION, as per trademark registration details submitted in Annex 3 to the Complaint:

- United States trademark registration No. 3887015 for COMFORT REVOLUTION (word mark), filed on February 16, 2009, and registered on December 7, 2010, in international class 20;

- United States trademark registration No. 5701587 for COMFORT REVOLUTION (figurative mark), filed on June 19, 2018, and registered on March 19, 2019, in international classes 20 and 24.

The disputed domain name <comfortrevolutionpillow.com>, was registered on March 6, 2024, and is pointed to a website where the Complainant's figurative mark is displayed and the sale of COMFORT REVOLUTION branded pillows is promoted through Amazon.com affiliate links, which however also lead to listings for pillows from third-party brands.

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 the trademark COMFORT REVOLUTION in which the Complainant has rights as it reproduces the trademark in its entirety with the mere addition of the generic term "pillow" and the generic Top-Level Domain ("gTLD") ".com".

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name since: i) the Respondent was in no way authorized or licensed by the Complainant to use its COMFORT REVOLUTION marks in any way and the Respondent is in no way affiliated to the Complainant; ii) the Respondent is using the Complainant's COMFORT REVOLUTION marks to promote the Complainant's and third-party products; and iv) the COMFORT REVOLUTION marks are strong trademarks with no other known meanings and as such, they are not terms the Respondent would legitimately choose unless seeking to make an association with the Complainant.

With reference to the circumstances evidencing bad faith, the Complainant indicates that the Respondent clearly had constructive knowledge of the Complainant when registering the disputed domain name since the Complainant's trademark registrations long predate the registration of the disputed domain name.

The Complainant further contends that the fact that the Respondent deliberately published a website at the disputed domain name using the Complainant's figurative mark and promoting the sale of four of the Complainant's COMFORT REVOLUTION branded pillows, creating a strong (but inexistant) association with the Complainant, proves the Respondent was indeed aware of the Complainant and deliberately chose to target its brand whilst failing to make a legitimate non-commercial or fair use of the disputed domain name.

The Complainant submits that the Respondent has registered and is using the disputed domain name in bad faith because it was registered and is being used primarily with the intent to disrupt the business of the Complainant, with knowledge of the Respondent, by defrauding the Complainant's retail partners and consumers.

The Complainant further contends that, in view of the above-described use of the disputed domain name, the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website or other online locations, by creating a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- (i) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that 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. Indeed, the Complainant has provided evidence of ownership of valid trademark registrations for COMFORT REVOLUTION.

The Panel finds that the COMFORT REVOLUTION mark is entirely reproduced, and is thus recognizable, in the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here, "pillow", 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.

As to the gTLD ".com", it can be disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

Therefore, 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.

The Panel notes that there is no relation, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Respondent is not affiliate or licensee of the Complainant, nor has the Respondent obtained authorization to use the Complainant’s marks or to register the disputed domain name.

Moreover, there is no element from which the Panel could infer the Respondent’s rights over the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

The Panel also finds that there is no evidence of use of the disputed domain name by the Respondent in connection with a bona fide offering of goods or services or a legitimate non-commercial or fair use without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant’s marks.

As mentioned above, the disputed domain name resolves to a website displaying the Complainant’s figurative mark and promoting the sale of COMFORT REVOLUTION branded pillows through Amazon.com affiliate links, which however lead to listings also related to products of the Complainant’s competitors. The Respondent did not accurately and prominently disclose its lack of relationship with the Complainant. In view of the foregoing, the Panel finds that the Respondent has failed to meet the requirements set forth in the *Oki Data* test for legitimate resellers, distributors or service providers of a complainant’s goods or services to claim nominative fair use of a disputed domain name incorporating a complainant’s trademark. [WIPO Overview 3.0](#), section 2.8.

Therefore, the Panel finds the second element of the Policy has also 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 Panel finds that, in view of i) the prior registration and use of the trademark COMFORT REVOLUTION in connection with the Complainant's sleeping products, including pillows, since 2009; ii) the composition of the disputed domain name, encompassing the COMFORT REVOLUTION mark in combination with the descriptive term "pillows"; and iii) the use of the disputed domain name in connection with a website publishing the Complainant's figurative mark and promoting the online sale of COMFORT REVOLUTION branded pillows through Amazon.com affiliate links, the Respondent was very likely aware of, and intended to target, the Complainant and its trademarks at the time of registration of the disputed domain name, which occurred only in March 2024.

In view of the use of the disputed domain name in connection with the website described above, featuring the Complainant's marks without displaying any disclaimer of non-affiliation with the Complainant and promoting also third-party products through Amazon.com affiliate links, the Panel finds that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation, or endorsement of its website and the products promoted therein according to paragraph 4(b)(iv) of the Policy.

Therefore, the Panel finds that the Complainant has established the third element of the Policy as well.

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 <comfortrevolutionpillow.com> be transferred to the Complainant.

/Luca Barbero/

Luca Barbero

Sole Panelist

Date: July 28, 2025