

ADMINISTRATIVE PANEL DECISION

Sealy Technology LLC v. Domain Administrator, Fundacion Privacy Services LTD

Case No. D2025-2623

1. The Parties

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

The Respondent is Domain Administrator, Fundacion Privacy Services LTD, Panama.

2. The Domain Name and Registrar

The disputed domain name <sealyfurniture.com> is registered with Media Elite Holdings Limited (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 3, 2025. On July 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 8, 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 July 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 30, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 31, 2025.

The Center appointed Dilek Zeybel as the sole panelist in this matter on August 6, 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, Sealy Technology LLC, a limited liability company organized under the laws of the State of North Carolina, United States, operates in the field of mattresses, beds, pillows, sofas, furniture, and other comfort products.

The Complainant is the owner of several trademark registrations worldwide, including but not limited to the following:

- United States trademark, SEALY, No. 2,271,114, registered on August 17, 1999, in classes 20 and 24.
- United States trademark, SEALY, No. 2,953,348, registered on May 17, 2005, in class 20.
- United States trademark, SEALY, No. 6,961,021, registered on January 24, 2023, in class 24.

The Complainant owns and maintains a portfolio of domain names incorporating its SEALY trademark, including <sealy.com>, <sealy-furniture.com>, and <tempursealy.com>.

The disputed domain name was registered on September 7, 2003. According to the evidence submitted, the disputed domain name resolves to a landing page that displays an error message stating: "An Error Occurred – Services for this domain name have been disabled."

There is no evidence of any relationship between the Complainant and the Respondent.

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 earlier trademark SEALY, being used to suggest an affiliation with the Complainant, misleadingly, and to take unfair advantage of the reputation of its marks.

Further, the Complainant submits that the disputed domain name <sealyfurniture.com> is identical to the Complainant's domain <sealy-furniture.com>, except for the omission of the hyphen, and that it includes the generic term "furniture".

The Complainant states that the Respondent has no rights or legitimate interests in the disputed domain name, is not associated with the Complainant in any way, and has never been authorized, whether as a licensee, or otherwise, to use its trademark.

The Complainant contends that the mere registration of a domain name does not confer rights or legitimate interests, and that the long-term passive holding of the disputed domain name rather evidences a lack of such rights or legitimate interests.

The Complainant further argues that in June 2025, the Respondent offered to sell the disputed domain name to the Complainant for USD 5,000 – an offer the Complainant refused. The Complainant submits that such conduct constitutes evidence of bad faith under the Policy.

Finally, the Complainant further argues that the Respondent registered the disputed domain name with knowledge of its SEALY trademark and that its continued passive holding of the disputed domain name, which has harmed the Complainant's business, constitutes bad faith under the Policy.

B. Respondent

The Respondent did not reply to the Complainant's contentions

6. Discussion and Findings

Paragraph 15(a) of the Rules directs the Panel as to the principles to be applied in determining the dispute: "A Panel shall decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules, and any rules and principles of law that it deems applicable".

The Policy provides, at paragraph 4(a), that each of the three elements must be made for a complaint to prevail:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (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.

Pursuant to paragraph 14(b) of the Rules, where a party does not comply with any provision of the Rules, the Panel may draw such inferences as it considers appropriate.

Considering the Parties' submissions, the Policy, the Rules, the Supplemental Rules, and applicable law, the Panel's findings with respect to each of the above elements are set out below.

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 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.

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 a descriptive term, here "furniture", may bear on assessment of the second and third elements, the Panel finds that the addition of such term does not prevent a finding of confusing similarity between the disputed domain name <sealyfurniture.com> 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.

The Panel notes that the composition of the disputed domain name carries a risk of affiliation with the Complainant’s trademark. Such use of a domain name cannot be considered fair use. [WIPO Overview 3.0](#), section 2.5.1. Even though the website at the disputed domain name is inactive, such use, if active, would not constitute a bona fide offering of goods and does not and would not confer rights or legitimate interests on the Respondent.

The Panel finally notes that the non-use of the disputed domain name does not establish any rights or legitimate interests on the part of the Respondent. In the absence of any credible evidence of preparation for a bona fide offering of goods or services, the Respondent cannot be considered to have rights or legitimate interests under the Policy.

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 finds it implausible that the Respondent registered the disputed domain name <sealyfurniture.com> by coincidence, given the existence of the Complainant’s trademark SEALY, which is used for furniture. This supports the inference that the Respondent knew or should have known of the Complainant’s SEALY trademark and deliberately targeted it.

Panels 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, widely-known trademark by an unaffiliated entity can, by itself, create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4. The Panel shares this view.

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 and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In addition, the Panel notes that the disputed domain name has remained inactive since its registration in 2003. Panels have found that the non-use of a domain name 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 distinctiveness of the Complainant’s trademark, and the composition of the disputed domain name, the implausibility of any good faith use the disputed domain may be put, 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 Respondent's offer to sell the disputed domain name in June 2025 to the Complainant for USD 5,000, an amount likely exceeding out-of-pocket costs, together with the confusing similarity of the disputed domain name with the Complainant's distinctive trademark, further supports the Panel's finding of bad faith and constitutes evidence of bad faith under paragraph 4(b)(i) 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 <sealyfurniture.com> be transferred to the Complainant.

/Dilek Zeybel/

Dilek Zeybel

Sole Panelist

Date: August 20, 2025