

ADMINISTRATIVE PANEL DECISION

Sennheiser electronic GmbH & Co. KG v. d's'da's'da's'd dasd
Case No. D2025-2862

1. The Parties

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

The Respondent is d's'da's'da's'd dasd, Armenia.

2. The Domain Name and Registrar

The disputed domain name <mx-sennheiser-hearing.shop> is registered with Spaceship, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 17, 2025. On July 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 21, 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 July 22, 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 July 22, 2025.

The Center verified that the Complaint together with the amended 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 23, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 12, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 13, 2025.

The Center appointed Angelica Lodigiani as the sole panelist in this matter on August 18, 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 family business company founded in 1945 by Mr. Fritz Sennheiser. The Complainant operates in the field of design and production of a broad variety of products in the audio industry, including microphones, headphones, wireless technologies, monitor systems, etc. The Complainant operates internationally and employs more than 2800 people in three different manufacturing plants located in Germany, Ireland and the United States of America ("US").

The Complainant has an extensive online presence, including in the most important social networks such as Facebook, Instagram, "X" and "YouTube".

The Complainant is the owner of the SENNHEISER mark registered in various jurisdictions, including the following:

- SENNHEISER (word), international registration No. 670839, registered on March 6, 1997, for goods in class 9, designating, inter alia, Austria, the Benelux, France, Hungary, Italy, Poland, Portugal, Romania, Russian Federation and Switzerland;
- SENNHEISER (word), European Union registration No. 000370122, registered on August 27, 1999, for goods in classes 9, 10 and 16.

The Complainant is also the owner of various domain names containing the trademark SENNHEISER, including <sennheiser.com>, registered on April 24, 1996, <sennheiser.shop>, registered on September 1, 2016, and <sennheiseronlineshop.com> registered on October 17, 2014.

The disputed domain name was registered on February 10, 2025. The Respondent cannot be clearly identified as unknown, as the information provided at the time of the registration of the disputed domain name does not seem to correspond to an existing individual or company. The provided address merely consists of the letters "ds" repeated several times, likewise the town name. Only the country code, "AM", is understandable as the acronym of "Armenia".

The disputed domain name resolves to a website purportedly offering for sale the Complainant's SENNHEISER products at discounted prices.

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 Complainant's mark as it fully includes this mark and the additional terms, "mx" - which is an abbreviation of "Mexico" - and "hearing". The addition of the term "hearing" is particularly relevant because the Complainant's products include hearing-related devices, while the term "mx" could mislead consumers into believing that the disputed domain name represents the official Mexican online shop of the Complainant.

The Complainant further maintains that the Respondent lacks rights or legitimate interests in the disputed domain name: the Respondent is not a licensee of, nor is affiliated with the Complainant. The Complainant did not authorize the Respondent to make use of its trademark in a domain name or otherwise.

The Respondent is not commonly known by the disputed domain name. The Respondent registered the disputed domain name using a proxy service. There is no contact information on the Respondent's website. The identity of the underlying registrant is unknown, and the Respondent does not appear to have acquired or applied for any trademark registration for the term "sennheiser" or any variation thereof, as reflected in the disputed domain name.

The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. The disputed domain name comprises the Complainant's mark. Accordingly, the disputed domain name carries a risk of implied affiliation with the Complainant and therefore cannot give rise to a claim of legitimate noncommercial or fair use.

Finally, the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services. The disputed domain name resolves to a website displaying the SENNHEISER mark and offering products under this mark at heavily discounted prices. The website does not contain any disclaimer of the lack of relationship between the Respondent and the Complainant.

With respect to the bad faith requirement, the Complainant affirms that its SENNHEISER mark was registered several decades before the registration of the disputed domain name. Moreover, the SENNHEISER mark enjoys reputation. The disputed domain name fully incorporates the Complainant's mark along with the descriptive term "hearing" and the geographical term "mx" referring to Mexico. It is therefore evident that the Respondent was aware of the Complainant's mark at the time of the registration of the disputed domain name.

At the time of the filing of the Complaint, the disputed domain name was used to resolve to an online shop displaying the SENNHEISER mark and purportedly offering for sale the Complainant's products at heavily discounted prices. The website did not contain a disclaimer of the lack of relationship with the Complainant. Accordingly, the Respondent was using the disputed domain name for impersonation and passing off, which is evidence of bad faith. Furthermore, the Respondent's use of the disputed domain name disrupted the Complainant's business and was aimed at taking advantage of the reputation of the Complainant and of its SENNHEISER mark to misleadingly attract Internet users to the Respondent's website. Lastly, the lack of disclaimer on the Respondent's website added to the confusion caused by the disputed domain name and constitutes additional evidence of the Respondent's bad faith conduct.

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 “mx” and “hearing” may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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.

Accordingly, 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 Respondent is not a licensee of or is otherwise affiliated with the Complainant. The Complainant did not authorize the Respondent to reflect its SENNHEISER mark in the disputed domain name or to make use of such mark in any other manner whatsoever. Nothing in the case file shows that the Respondent might have been commonly known by the disputed domain name.

In the Panel’s view, the nature of the disputed domain name falsely suggests an affiliation with, or endorsement by, the Complainant. The disputed domain name reproduces the Complainant’s mark entirely with the addition of two terms, “mx” and “hearing”, and is registered under the generic Top-Level Domain (“gTLD”) “.shop”. While “mx” refers to Mexico, the term “hearing” is strictly associated with the Complainant’s business. Accordingly, Internet users are induced to believe that the disputed domain name leads to the Complainant’s online Mexican shop. Such composition of the disputed domain name cannot constitute fair use as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.0](#), section 2.5.1.

The Complainant maintains that the disputed domain name resolves to a website purportedly offering for sale the Complainant’s SENNHEISER products at heavily discounted prices. The Panel has reviewed the evidence attached to the Complaint, and particularly the screenshot of the Respondent’s website. Such screenshot shows a picture of a model of an in-ear headphones offered for sale at the discounted price of USD 30 (originally indicated price USD 37,99). Moreover, it also includes a picture of a mini soundbar at the price of USD 870. Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, the Panel has made some limited factual online searches to better understand the discrepancy between the price listed for the Complainant’s products and the price for the same products, shown on the website associated with the disputed domain name. Through these searches the Panel

learned that the price requested for the in-ear headphones on the Respondent's website is in line with the price shown for the same product on other websites, while the price requested for the mini soundbar is far higher on the Respondent's website. Therefore, the Panel is not inclined to accept the Complainant's statement that the website associated with the disputed domain name offers the Complainant's products at heavily discounted prices.

Nonetheless, the Panel notes that the Respondent's website is misleading as it repeatedly reproduces the Complainant's SENNHEISER mark, particularly in the section dedicated to the description of the in-ear headphones, along with pictures of the product displaying a stylized letter "s", which is appended to all the Complainant's products. As said, the same website also promotes the sale of a mini soundbar under the trademark AMBEO, which is another trademark registered/owned by the Complainant. The Panel has ascertained that AMBEO soundbars are also sold on the Complainant's official website. Furthermore, the Respondent's website does not contain any information regarding the company managing the website, nor any disclaimer as to the lack of relationship with the Complainant. Rather, the Respondent's website induces to believe that it is the Complainant's official online website in Mexico, as confirmed by the statement "... *solo ingresa a nuestra tienda en línea y haz tu pedido. Contamos con envíos en todo a Mexico*", whose English translation would be "Just visit our online store and place your order. We ship throughout Mexico". Accordingly, the disputed domain name does not meet the requirements established by the Oki-data test to confirm that the Respondent is making 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 or service mark at issue. [WIPO Overview 3.0](#), section 2.8.

In addition, panels have held that the use of a domain name for illegitimate activity, such as impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

For the reasons mentioned above, 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 notes that the Respondent was certainly aware of the SENNHEISER mark when it registered the disputed domain name. The Complainant's mark is distinctive and coincides with the surname of its founder. Moreover, the Respondent has added the term "hearing", which is strictly related to the Complainant's business, and the geographical term "mx" to the Complainant's mark in the disputed domain name. Lastly, the disputed domain name has been registered under the gTLD ".shop". All these circumstances lead to the conclusion that not only the Respondent was well aware of the Complainant and of its SENNHEISER mark at the time of the registration of the disputed domain name, but that it carefully selected the composition of the disputed domain name in order to create the false impression that it referred to an online shop of, or approved by the Complainant. The registration of a domain name confusingly similar to a third party's distinctive mark without rights or legitimate interests amounts to registration in bad faith.

The disputed domain name resolves to a website which purportedly offers for sale the Complainant's products. Such website does not contain any indication of who is responsible for the e-commerce activity carried out through the disputed domain name. It also does not contain a disclaimer as to the lack of association with the Respondent.

Accordingly, the Panel finds that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its web site, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site.

Panels have held that the use of a domain name for illegitimate activity, such as the one described above constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Additional elements of bad faith lie in the fact that the Respondent used a privacy shield and provided false contact information at the time of the registration of the disputed domain name. Indeed, by acting as such, the Respondent has deliberately created an additional obstacle to the proper and effective defense of the Complainant's rights.

Accordingly, 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 <mx-sennheiser-hearing.shop> be transferred to the Complainant.

/Angelica Lodigiani/

Angelica Lodigiani

Sole Panelist

Date: August 27, 2025