

ADMINISTRATIVE PANEL DECISION

OMHU CPH A/S v. 卯申令 (Shen Ling Mao)

Case No. D2025-3438

1. The Parties

The Complainant is OMHU CPH A/S, Denmark, represented by Løje IP Advokatfirma, Denmark.

The Respondent is 卯申令 (Shen Ling Mao), China, self-represented.

2. The Domain Name and Registrar

The disputed domain name <teddysofas.com> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on August 26, 2025. On the following day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 28, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Compressions Sofa) and contact information in the Complaint. The Center sent an email communication to the Complainant on the same day, 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 in English on August 29, 2025.

On August 28, 2025, the Center informed the parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On August 29, 2025, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the language of the proceeding.

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 in Chinese and English of the Complaint, and the proceedings commenced on September 1, 2025. In accordance with

the Rules, paragraph 5, the due date for Response was September 21, 2025. The Response was filed with the Center in English on September 17, 2025.

The Center appointed Matthew Kennedy as the sole panelist in this matter on October 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 is a Danish home furniture company incorporated in 2021. It offers sofas for sale under the TEDDY brand. It holds the following trademark registrations for TEDDY:

- European Union trademark registration number 019108825, registered on March 5, 2025 (application filed November 20, 2024);
- International trademark registration number 1861900, registered on May 15, 2025, designating multiple jurisdictions; and
- Norwegian trademark registration number 336822, registered on May 22, 2025.

The above trademark registrations are current and specify sofas, divans, and furniture. The Complainant also filed United States of America ("United States") trademark application serial number 98875698 on November 27, 2024, but a suspension notice was issued on August 11, 2025 due to a prior pending application filed by a third party.

The Complainant has also registered OMHU as a trademark in the European Union, Canada and Norway. The Complainant uses the domain name <omhucph.com> in connection with an online shop that prominently displays its OMHU mark in quadline font (the "Omhu logo"). The site is titled "Explore the original TEDDY" and it offers TEDDY sofas for sale. The Complainant also operates OMHU social media accounts and has around 310,000 followers on Instagram, and around 34,000 followers on TikTok.

The Respondent is an individual based in China.

The disputed domain name was registered on August 14, 2024. It resolves to a website in English titled "TeddySofa" that offers for sale various types of sofa, including the Teddy sofa. Prices are displayed in USD. The contact address and telephone number are in the United States. The website presents TeddySofa as "[t]he high-quality sofa manufacturing brand with exclusive patented compression technology". The product description for the orange sofa includes the phrase "Teddy Sofa by Omhu" while the product details refer to "the COMPSOFA Teddy Sofa". Browser tabs for pages displaying Teddy sofas variously include the same phrase, or the terms "teddy-sofa-gary-omhu" or "Omhu Teddy Sofa". The word "sofa" in the title is displayed in quadline font. According to an archived screenshot presented by the Complainant, the Respondent's website offered shipping to "most countries/regions around the world", including the contiguous United States, "Switzerland, U[nited] K[ingdom], and E[uropean] U[nion] countries". However, according to a screenshot presented by the Respondent, shipping is limited to within the United States.

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 TEDDY mark. The Complainant claims both registered and unregistered rights in that mark.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is using the disputed domain name for commercial gain misleadingly to divert consumers. The Respondent is not a reseller of the Complainant's products, and the products marketed on the website associated with the disputed domain name are not the Complainant's legitimate products.

The disputed domain name has been registered and is being used in bad faith. When the Respondent created the disputed domain name, the Complainant already had unregistered rights to the TEDDY trademark. The Respondent was surely aware of the Complainant's trademark rights and use of the TEDDY trademark at that time. The Respondent markets counterfeit sofa designs imitating the Complainant's design while using the TEDDY trademark, including a sofa that infringes the Complainant's registered design, falsely stating that the product is the "Teddy Sofa by Omhu". The font used by the Respondent for the word "sofa" is confusingly similar to the font used by the Complainant in its OMHU logo. The disputed domain name is confusingly similar to the Complainant's prior domain name <teddysofa.dk>. The disputed domain name was registered only three months prior to the Complainant's European Union trademark application for TEDDY, which also exposes the Respondent's bad faith.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Respondent contends that the disputed domain name was registered prior to the Complainant's trademark registrations. Bad faith cannot be established if the disputed domain name predates the Complainant's intellectual property rights.

The term "Teddy" has long been recognized as a generic word, commonly associated with teddy bears, plush fabrics, and other general uses. According to the Oxford Dictionary, the term "Teddy" first appeared in 1907 and has been widely used for personal names, animal names, and plush fabrics. In the furniture industry, "Teddy" is widely used to describe products made from teddy-style plush materials. The disputed domain name reflects this descriptive characteristic, which is directly relevant to the Respondent's product offerings. Searches for "Teddy" on Google and Amazon reveal furniture products unrelated to the Complainant. The Respondent uses the disputed domain name because its products feature unique "Teddy" plush fabric and "Sofa" represents its main product line. This usage constitutes a bona fide offering of goods and services. The Complainant's attempt to monopolize the term "Teddy" is inconsistent with trademark law principles, which prohibit exclusive rights over generic or descriptive terms. The Respondent intends to file a legal request to cancel the Complainant's trademark.

The Complainant's accusations are defamatory. If the Complainant believes its rights have been infringed, it should take legal action against the actual infringers rather than making baseless accusations against the Respondent. The Etsy platform listing for "Omhu Teddy Sofa Dupe" has no relationship to the disputed domain name or its products.

The Complainant's TEDDY trademark application has been rejected in the United States and the Complainant does not hold relevant rights in that country. The Respondent only sells products in the United States and has not infringed on the Complainant's rights in Europe. The Respondent's shipping policy explicitly defines its sales scope to the United States. The Complainant has failed to provide any evidence of copyright, patent, trademark, or invention infringement to support its other counterfeit product claims.

The Complainant's evidence demonstrates its OMHU brand promotion efforts and has no connection to the disputed domain name or its products.

6. Discussion and Findings

6.1 Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint and amended Complaint were filed in English. The Complainant requested that the language of the proceeding be English for several reasons, including the fact that the disputed domain name is comprised of English words, the associated website is in English, the contact telephone number on that website is in the United States, a TikTok channel linked to the website is in English, and another website that markets the same products is in English.

The Response was also filed in English. The Respondent did not comment specifically on the language of the proceeding, although he did state that the disputed domain name has no relationship with the TikTok channel or the third party website referenced by the Complainant.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time, and costs. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.5.1.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English.

6.2 Substantive Issues

Paragraph 4(a) of the Policy provides that a complainant must prove each of the following elements:

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

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. See [WIPO Overview 3.0](#), section 1.7.

The Complainant has shown registered rights in respect of the TEDDY trademark for the purposes of the Policy. Given the global nature of the Internet and Domain Name System, the jurisdictions where the trademark is valid are not considered relevant to the assessment under the first element of the Policy. See [WIPO Overview 3.0](#), sections 1.1.2 and 1.2.1.

The Complainant also claims unregistered rights in respect of the TEDDY mark from an earlier date. The Panel recalls that, in order to establish unregistered trademark rights for the purposes of the UDRP, the Complainant must show that the mark has become a distinctive identifier that consumers associate with the Complainant's goods or services, or both. See WIPO Overview, section 1.3.

The Panel has reviewed the evidence and notes the following. The Complainant used “Teddy” in a social media post in connection with an offering of a corduroy sofa as early as September 2022 and as the title of a website in Danish associated with the domain name <teddysofa.dk> that offered TEDDY sofas for sale as early as October 2022. The Complainant announced a new website in English that offered shipping of TEDDY sofas outside Denmark in April 2023. This website is associated with the domain name <omhucph.com>. The Complainant operates its OMHU Instagram account, on which it has promoted TEDDY sofas since July 2023. The Complainant has placed advertisements for OMHU on Facebook since December 2023, many of which promoted TEDDY sofas. The evidence on file includes data regarding the Complainant’s social media advertising campaigns in 2023, which targeted consumers in Europe. On the other hand, while the Complainant’s social media accounts were referenced by influencers during the period 2023-24, including images of the Complainant’s sofas, few mentioned the term “Teddy”. A product category on the Etsy e-commerce platform titled “Omhu Teddy Sofa Dupe” does not necessarily show that “Teddy” is an indicator of source, as the product category appears to include sofas from other sources and the category title is combined with the OMHU housemark. There is no evidence on file of the amount of sales under the mark. However, taken as a whole, the Panel finds that the Complainant has made a prima facie case that its TEDDY mark has become a distinctive identifier that consumers have associated with one of the Complainant’s sofas since at least prior to the registration of the disputed domain name in August 2024.

The Respondent argues that “teddy” is a generic or descriptive term for products made from plush fabrics. The Panel will address that argument under the second element of the Policy in Section 6.2B below.

Therefore, the Panel finds that the Complainant has established unregistered trademark rights in TEDDY for the purposes of the standing requirement in the first element of the Policy. See [WIPO Overview 3.0](#), section 1.3.

The entirety of the TEDDY mark is reproduced within the disputed domain name as its initial element. The mark is clearly recognizable within the disputed domain name, despite the addition of the word “sofas”. The only additional element is a generic Top-Level Domain (“gTLD”) extension (“.com”) which, as a standard requirement of domain name registration, may be disregarded for the purposes of the assessment of confusing similarity under the Policy. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. See [WIPO Overview 3.0](#), sections 1.7, 1.8, and 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. See [WIPO Overview 3.0](#), section 2.1.

In the present case, the disputed domain name resolves to a website in English titled “TeddySofa” that offers for sale various types of sofa, including the “Teddy Sofa”. The website content features the Complainant’s TEDDY mark, and uses it in connection with the same type of product as the Complainant’s products. At least one of the sofas bears a striking resemblance to the Complainant’s TEDDY sofa. The Respondent’s site makes specific reference to the Complainant in a product description and browser tabs on product display pages, including in the phrase “Teddy Sofa by Omhu”. This may all give rise to confusion as to the

existence of a commercial relationship between the Parties and their respective sofas. Yet there is no such relationship between the Parties. It is also undisputed that the sofas offered for sale are not the Complainant's sofas. Further, the combination of the TEDDY mark with a word describing the Complainant's products (i.e., sofas) in the disputed domain name gives rise to a heightened risk of implied affiliation with the Complainant. On the other hand, the display of the word "sofa" in quadline font on the Respondent's website does not indicate an attempt to suggest a relationship with the Complainant, as the text, color, and shape of the Omhu logo are different while the font is reminiscent of corduroy fabric, which both Parties use in their products.

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.

Turning to the Respondent, he submits that "Teddy" is widely used for personal names, animal names, and plush fabrics and that, in the furniture industry, "Teddy" is widely used to describe products made from teddy-style plush materials. The Panel has reviewed the evidence and finds that Teddy is a personal name, a word for a toy (short for "teddy bear"), a word for a women's all-in-one undergarment, and a brand of peanut butter. However, the Respondent does not use the disputed domain name in connection with any of those meanings without intent to capitalize on the Complainant's mark. While teddy bears are often produced in plush fabric, the evidence does not bear out the assertion that "teddy" refers to furniture made with such fabric. Therefore, the Respondent's claim of third-party use of the term "Teddy" or other meanings does not confer rights or legitimate interests on the Respondent under the circumstances of this case. See [WIPO Overview 3.0](#), section 2.5.2.

Accordingly, the Panel finds that the Respondent has not rebutted the Complainant's prima facie showing.

Based on the record, 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 fourth of these circumstances is as follows:

"(iv) by using the [disputed] domain name, [the Respondent has] intentionally attempted to attract, for commercial gain, Internet users to [the Respondent's] website or other online location, by creating a likelihood of confusion with the Complainant's mark 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."

In the present case, the disputed domain name was registered in August 2024, three months prior to the Complainant's earliest trademark application for TEDDY but subsequent to the accrual of the Complainant's unregistered rights in that term. The Complainant may not have rights in the United States, where the Respondent is based. However, given the lack of evidence that "Teddy" is a descriptive term for furniture made from plush fabric, such as the Respondent's sofas, the combination in the disputed domain name of the TEDDY mark with the word "sofas" indicates an awareness of the Complainant and its type of products. Further, the Respondent's website includes a product description and browser tabs for product display pages that specifically reference the Complainant, such as in the phrase "Teddy Sofa by Omhu". In view of these circumstances, the Panel finds that the Respondent registered the disputed domain name with the Complainant's mark in mind.

As regards bad faith use, the disputed domain name operates by intentionally attempting to attract, for commercial gain, Internet users to the Respondent's website, by creating a likelihood of confusion with the Complainant's TEDDY mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the sofas on it. It is no defence that the Parties may ship to different geographical markets. In

any case, according to an archived screenshot presented by the Complainant, prior to this dispute the Respondent's website offered shipping to "most countries/regions around the world", including not only the contiguous United States but also "Switzerland, U[nited] K[ingdom], and E[uropean] U[nion] countries", where the Complainant has trademark rights. In view of all these circumstances, the Panel finds that this case falls within the terms of paragraph 4(b)(iv) of the Policy.

Therefore, 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 <teddysofas.com> be transferred to the Complainant.

/Matthew Kennedy/

Matthew Kennedy

Sole Panelist

Date: October 13, 2025