

## **ADMINISTRATIVE PANEL DECISION**

Sennheiser electronic GmbH & Co. KG v. Augustine Dominic, Dominic Augustine  
Case No. D2025-3994

### **1. The Parties**

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

The Respondent is Augustine Dominic, Dominic Augustine, Germany.

### **2. The Domain Name and Registrar**

The disputed domain name <sennheiserau.com> is registered with CNOBIN Information Technology Limited (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 2, 2025. On October 9, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 9, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 9, 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 October 10, 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 October 13, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 2, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 3, 2025.

The Center appointed Alexander Duisberg as the sole panelist in this matter on November 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 is a company that was founded in 1945, which operates in the audio industry. The Complainant specializes in the design and production of a broad variety of premium audio products, including microphones, headphones, wireless technologies, monitor systems, telephone accessories, aviation and offices headsets and all-round audio solutions.

The Complainant is an international company with three different manufacturing plants, one each in Germany, Ireland, and the United States of America, as well as sales subsidiaries and research laboratories worldwide.

The Complainant is the owner of numerous trademarks for SENNHEISER (collectively referred to as the “Mark”) in various jurisdictions around the world including:

- the International trademark registration No. 590780 for SENNHEISER, registered on August 10, 1992, for Goods and Services 9;
- the International trademark registration No.. 670839 for SENNHEISER, registered on March 6, 1997, for Goods and Services 9;
- the European Union trademark registration No. 000370122 for SENNHEISER, registered on August 27, 1999, for Goods and Services 9, 10, 16;
- the European Union trademark registration No. 001594308 for SENNHEISER, registered on August 21, 2001, for Goods and Services 3, 9, 18, 21, 25, 28, 38, 41, 42.

The Complainant is the owner of numerous domain names consisting of or including its Mark registered under various generic Top-Level Domains (“gTLD”) as well as under a number of country code Top-level Domains (“ccTLD”), e.g., <sennheiser.net> and <sennheiser.online> et al.

The Complainant promotes its products and services in particular on its website at <sennheiser.com> in German and English as well as various other international languages. The Complainant also provides content to the social-media platforms Facebook, Instagram, X, and YouTube, which are also including its Mark.

The disputed domain name was registered on August 16, 2025.

Currently, the disputed domain name does not resolve to an active website.

The Respondent did not reply to the Complaint.

#### **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 Mark. The disputed domain name incorporates the entirety of the Mark with the addition of the term “au”. The Complainant asserts that the addition of this term does not dispel the confusing similarity between the Mark

and the disputed domain name. The Complainant contends that the appended term “au” is a common abbreviation for “Australia” that increases the risk of association by suggesting an official, country-specific website of the Complainant.

The Complainant asserts that the Respondent lacks rights or legitimate interest in the disputed domain name. The Complainant contends that he has not licensed, permitted, or otherwise authorized the Respondent to use the Mark in any manner, including as part of a domain name. The Complainant asserts that the Respondent is not commonly known by “Sennheiser” or “sennheiser.au”. The Complainant contends that the Respondent does not actively use the disputed domain name for offering goods or services. Further, the Complainant asserts that the Respondent does not actively use the disputed domain name for noncommercial or fair purposes and that because of the notoriety of the Mark, there is no legitimate purpose for the Respondent to register and passively hold this domain.

The Complainant further states that the Respondent registered and uses the disputed domain name in bad faith. The Complainant points out that the Mark was registered several years before the registration of the disputed domain name. The Complainant contends that the Mark is highly distinctive and enjoys a reputation. The Complainant asserts that any putative use would likely be misleading, including by diverting users expecting an official Australian website of the Complainant, or by facilitating phishing, email fraud, or other impersonation scenarios. According to the Complainant, the Respondent's retention and passive holding of the disputed domain name constitutes an ongoing threat to the Complainant, irrespective of whether the domain name currently resolves to active content.

## **B. Respondent**

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

## **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, the Complainant must prove each of the following:

- (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.

The Panel acknowledges the consensus view that the Respondent's default to respond to the Complaint does not automatically result in a decision in favor of the Complainant. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 4.3.

Although the Panel may draw appropriate inferences from the Respondent's default (e.g., to regard factual allegations which are not inherently implausible as being true), paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in the UDRP proceeding. In view of the Panel, the Complainant has established sufficient evidence in its favor in the case at hand.

### **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 rights in respect of a trademark or service mark for the purposes of the Policy. See [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. See [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here the term “au”, may bear on the 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. See [WIPO Overview 3.0](#), section 1.8.

The disputed domain name adds the term “au”, which the Panel finds could be seen as implicitly referring to Australia. The term “au” mimics ccTLDs such as “.au”. The Panel has confirmed on numerous occasions that the addition of such a geographical term does not prevent a finding of confusing similarity between the disputed domain name and the Marks for the purposes of the Policy. See *Allianz SE v. IP Legal, Allianz Bank Limited*, WIPO Case No. [D2017-0287](#); *Novomatic AG v. Serhii Dovhanych*, WIPO Case No. [D2025-1610](#); [WIPO Overview 3.0](#), section 1.8.

Finally, the disputed domain name ends with the gTLD “.com”. Panels have held previously that such an addition in a domain name is technically required. It is well established that such element may typically be disregarded when assessing whether a domain name is identical or confusingly similar to a trademark. The gTLD “.com” cannot be taken into account by the Panel in the comparison between the Mark and the disputed domain name. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#); *Mercado Libre Inc v. P Mercado Pago, Pedro Yukio Sato*, WIPO Case No. [D2022-0624](#); [WIPO Overview 3.0](#), section 1.11.

The Panel therefore finds the disputed domain name to be confusingly similar to the Complainant's Mark for the purposes of satisfying paragraph 4(a)(i) of the Policy. The addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity. See [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. See *Wal-Mart Stores, Inc. v. WalMart Careers, Inc.*, WIPO Case No. [D2012-0285](#); *B-Boy TV Ltd v. bboytv.com c/o Whois Privacy Service / Chief Rocka LTD, formerly named BreakStation LTD.*, WIPO Case No. [D2012-2006](#); *OSRAM GmbH. v. Mohammed Rafi/Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org*, WIPO Case No. [D2015-1149](#); [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.

Paragraph 4(c) of the Policy sets out the following circumstances which, without limitation, if found by the Panel, shall demonstrate that the Respondent has rights to, or legitimate interests in, a disputed domain name, for the purposes of paragraph 4(a)(ii) of the Policy:

- (i) before any notice to the Respondent of the dispute, the Respondent's use of, or demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a bona fide offering of goods or services; or
- (ii) the Respondent (as an individual, business, or other organization) has been commonly known by the disputed domain name, even if the Respondent has acquired no trademark or service mark rights; or
- (iii) 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.

As regards the first and second circumstances, the Complainant credibly submits that it has never authorized, licensed, or permitted the Respondent to use the disputed domain name incorporating its well-reputed Mark and has had no prior nor current relations to the Respondent. The Panel finds that the Respondent does not use the disputed domain name with a bona fide offering of good and services, nor has been commonly known by the disputed domain name, therefore not meeting the requirements of paragraph 4(c)(i) and (ii) of the Policy. See *Red Bull GmbH v. Harold Gutch*, WIPO Case No. [D2000-0766](#); *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#); *Compagnie Gervais Danone v. Duxpoint and Alejandro Gomez*, WIPO Case No. [D2008-1799](#); *Publicare Marketing Communications GmbH v. G.E.D. Faber / GAOS BV*, WIPO Case No. [D2012-1580](#); [WIPO Overview 3.0](#), section 2.2 and section 2.3.

As regards the third circumstance, the disputed domain name is passively held. The disputed domain name does not resolve to an active website. The Panel finds that the Respondent does not have a legitimate noncommercial or fair use of the disputed domain name, therefore not meeting the requirements of paragraph 4(c) (iii) of the Policy. See *Accor v. Eren Atesmen*, WIPO Case No. [D2009-0701](#); *OSRAM GmbH. v. Mohammed Rafi/Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org*, WIPO Case No. [D2015-1149](#); [WIPO Overview 3.0](#), section 2.1.

Panels have previously held that the lack of the evidence of the conditions under paragraph 4(c) of the Policy, combined with the inactivity of the website to which the website resolves, may establish that the Respondent has no rights or legitimate interests in the disputed domain name. See *Philip Morris USA Inc. v. Daniele Tornatore*, WIPO Case No. [D2016-1302](#); *Frankie Shop LLC v. 蔡文辉 (wenhui cai / cai wenhui)*, WIPO Case No. [D2023-1815](#); [WIPO Overview 3.0](#), section 2.1.

Therefore, the Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name for satisfying paragraph 4(a)(ii) of the Policy. The Respondent did not respond to the Complainant's contentions, and failed to rebut that prima facie case.

Furthermore, previous panels have held that where a domain name consists of a trademark plus an additional term (at the second- or top level) such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. See *Novomatic AG v. Serhii Dovhanych*, WIPO Case No. [D2025-1610](#); [WIPO Overview 3.0](#), section 2.5.1.

The Panel therefore finds that the Respondent does not satisfy paragraph 4(c)(iii) of 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.

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. See [WIPO Overview 3.0](#), section 3.2.1.

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. See [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the composition of the disputed domain name, 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.

Although panels will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put. See [WIPO Overview 3.0](#), section 3.3

The distinctive and well known character of the Mark has been well established in prior decisions under the UDRP (e.g., *Sennheiser electronic GmbH & Co. KG v. Registration Private, Privacy Protect, LLC / Nguyen Thi Lien*, WIPO Case No. [D2022-0464](#); *Sennheiser electronic GmbH & Co. KG v. Jesse Pinkman*, WIPO Case No. [D2023-4399](#)). Therefore, the Panel holds that the Respondent must have been certainly aware of the Complainant's trademark and the registration of the Complainant's trademark prior to the registration of the disputed domain name.

Furthermore, the Respondent failed to submit a response or provide evidence regarding good faith use.

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 <sennheiser.au.com> be transferred to the Complainant.

/Alexander Duisberg/

**Alexander Duisberg**

Sole Panelist

Date: November 20, 2025