

ADMINISTRATIVE PANEL DECISION

Dan Foam ApS v. Gaby Siska, ABC
Case No. D2025-4298

1. The Parties

The Complainant is Dan Foam ApS, Denmark, represented by Vice Cox & Townsend PLLC, United States of America ("United States").

The Respondent is Gaby Siska, ABC, Singapore.

2. The Domain Names and Registrar

The disputed domain names <tempur189.org> and <tempur79.net> are registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 20, 2025. On October 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On October 21, 2025, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Privacy User, See PrivacyGuardian.org) and contact information in the Complaint.

The Center sent an email communication to the Complainant on October 27, 2025 with the registrant and contact information revealed by the Registrar, inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on October 28, 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 November 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on November 26, 2025.

The Center appointed Steven A. Maier as the sole panelist in this matter on November 28, 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 organized under the laws of Denmark. It is a developer and manufacturer of furniture, mattresses, pillows and related products, which it markets under names and trademarks including TEMPUR.

The Complainant is the owner of numerous registrations for the mark TEMPUR, including for example:

- United States trademark registration number 1926469 for the word mark TEMPUR, registered on October 10, 1995 in International Class 20; and
- Singapore trademark registration number 40202003092S for the word mark TEMPUR, registered on June 30, 2020 in International Class 25.

The Complainant also operates the domain name <tempur.com>.

Both of the disputed domain names were registered on July 15, 2025.

The disputed domain name <tempur79.net> has resolved to a website headed “TEMPUR79”, offering casino and gaming services; the disputed domain name <tempur189.org> resolves at the time of this Decision to a similar website headed “TEMPUR189” and, according to the Complaint, was previously inactive.

5. Parties’ Contentions

A. Complainant

The Complainant states that it has used the TEMPUR mark in connection with mattresses and related products since at least November 1994, and that it has since spent millions of dollars in promoting that mark. It also claims millions of dollars of sales under the mark, and contends that the mark has become widely recognized by the public in designating the Complainant’s products.

The Complainant submits that the disputed domain names are identical to its TEMPUR trademark, save that the Respondent has appended the numbers “189” and “79” to the mark.

The Complainant submits that the Respondent has no rights or legitimate interests in respect of the disputed domain names. It states that it has no relationship with the Respondent and has never authorized it to use its TEMPUR trademark, that the Respondent has not commonly been known by the disputed domain names, and that the Respondent is making neither bona fide commercial use nor legitimate noncommercial or fair use of the disputed domain names.

The Complainant submits that the disputed domain names have been registered and are being used in bad faith. It asserts that the Respondent was actually or constructively aware of its TEMPUR trademark registrations when it registered the disputed domain names, and has used them, for commercial gain, to confuse Internet users into believing that its websites must be legitimately connected with the Complainant and its products.

The Complainant requests the transfer of the disputed domain names.

B. Respondent

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

6. Discussion and Findings

In order to succeed in the Complaint, the Complainant is required to show that all three of the elements set out under paragraph 4(a) of the Policy are present. Those elements are that:

- (i) the disputed domain names are 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 names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

A. Identical or Confusingly Similar

The Complainant has established that it is the owner of registered trademark rights in respect of the mark TEMPUR. The disputed domain names incorporate that trademark in full, together with the numbers "189" and "79" respectively, which do not prevent the Complainant's trademark from being recognizable within the disputed domain names.

The Panel therefore finds that the disputed domain names are confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

In the view of the Panel, the Complainant's submissions set out above give rise to a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain names. However, the Respondent has failed to file a Response in these proceedings, and has not submitted any explanation for its registration and use of the disputed domain names, or evidence of rights or legitimate interests on its part in the disputed domain names, whether in the circumstances contemplated by paragraph 4(c) of the Policy or otherwise. The Panel finds, moreover, that the Respondent has used the disputed domain names to target the Complainant's TEMPUR trademark, which circumstances cannot give rise to rights or legitimate interests on the Respondent's part.

The Panel therefore finds that the second element under the Policy is established.

C. Registered and Used in Bad Faith

The Panel is satisfied that the Complainant's TEMPUR trademark is both distinctive and widely known in connection with the Complainant's products. Furthermore, while the Complainant has offered limited evidence in this regard, the Panel notes from its own Google search against the term TEMPUR that the majority of the results returned refer to the Complainant or its products.¹ The Respondent having offered no explanation for its incorporation of the term "tempur" in the disputed domain names, the Panel readily infers that the Respondent registered the disputed domain names in the knowledge of the Complainant's trademark and with the intention of taking unfair advantage of the goodwill attaching to that mark.

¹ As stated in section 4.8 of WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision.

The Respondent uses the disputed domain names to resolve to gambling-related websites, from which it must be assumed to obtain revenues. In the view of the Panel, the Respondent has likely sought to attract Internet users to those websites by its adoption of the disputed domain names, and to mislead them into believing that the disputed domain names must be owned or operated by, or otherwise legitimately affiliated with, the Complainant. Specifically, the Panel finds that, by using the disputed domain names, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of its websites or of a product or service on its websites (paragraph 4(b)(iv) of the Policy).

The Panel finds in the circumstances that the disputed domain names have been registered and are being used in bad faith.

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 names <tempur189.org> and <tempur79.net> be transferred to the Complainant.

/Steven A. Maier/

Steven A. Maier

Sole Panelist

Date: December 8, 2025