

ADMINISTRATIVE PANEL DECISION

Dan Foam ApS v. Mark Evans, Angaroute
Case No. D2025-4817

1. The Parties

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

The Respondent is Mark Evans, Angaroute, United States.

2. The Domain Name and Registrar

The disputed domain name <somnigroupint.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 19, 2025. On November 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 20, 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 (Privacy Service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 21, 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 amendment to the Complaint on December 1, 2025.

The Center verified that the Complaint together with the amendment to 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 December 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on December 25, 2025.

The Center appointed John Swinson as the sole panelist in this matter on January 5, 2026. 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 Dan Foam ApS, a corporation organized under the laws of Denmark and doing business in the United States and around the world through its related companies Tempur-Pedic Management, LLC, Tempur World, LLC, and Tempur Sealy International, Inc. Tempur Sealy International, Inc. is the parent company of the subsidiaries Tempur-Pedic Management, LLC, Dan-Foam ApS, and Tempur World, LLC.¹ The Complainant's group of companies are involved in the manufacturing, marketing and sale of mattresses and cushions.

The Complainant, through its affiliated company Tempur World, LLC, has rights in two United States trademark registrations for SOMNIGROUP, including U.S. Registration No. 8,034,724, registered on November 18, 2025, with a First Use in Commerce date of February 18, 2025.

The Complainant states that it began using the SOMNIGROUP mark on February 18, 2025. The Panel also notes that the Complainant's parent company, Tempur Sealy International, Inc., changed its name to Somnigroup International Inc. on February 18, 2025.²

The Complainant's group of companies have a website located at "www.somnigroup.com".

The Respondent did not file a Response, so little information is known about the Respondent. The Registrar's records have an address for the Respondent being in an office complex in Pittsburgh, United States.

The disputed domain name was registered on November 3, 2025.

At the time the Complaint was filed, according to the Complainant, the website at the disputed domain name was a copycat website that impersonated the Complainant. The evidence shows that the website included the Complainant's business address.

At the present time, the disputed domain name does not resolve to an active website.

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 term "Complainant" is broadly referred to its group of companies. Because of the Complainant's extensive use of SOMNIGROUP and its federal trademark registrations for SOMNIGROUP, the SOMNIGROUP mark is known to identify the Complainant as the world's largest bedding company. The disputed domain name is confusingly similar to the Complainant's mark and creates

¹ Through the Panel's limited independent search, the Panel notes that Tempur World, LLC is also one of the subsidiaries of Tempur Sealy International, Inc. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.8.

² See <https://somnigroup.com/newsroom/news-details/2025/Tempur-Sealy-Completes-Name-Change-to-Somnigroup-International/default.aspx>

a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the website at the disputed domain name.

The Respondent is not a licensee of the Complainant, nor associated with the Complainant in any way; nor, upon information and belief is the Respondent operating a business under the disputed domain name, nor is it affiliated with or commonly known as "Somnigroup". The SOMNIGROUP marks are strong trademarks with no other known meanings. As such, they are not terms the Respondent would legitimately choose unless seeking to make an association with the Complainant.

The website at the disputed domain name is a copycat website. It also includes the Complainant's correct business address as an attempt to mislead consumers. Use of the Complainant's business address on the website creates the false impression that the Respondent is in fact the Complainant when it is not.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (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 onus of proving these elements is on the Complainant.

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 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.

Although the addition of other terms (here, "int") may bear on 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. [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.

Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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

As discussed above in relation to the second element of the Policy, the website at the disputed domain name was one time a copycat website that impersonated the Complainant including use of the Complainant’s business address, and this appears not to be a legitimate website. It is probable that the website was created for some improper purpose. Moreover, the Complainant’s parent company, Tempur Sealy International, Inc., changed its name to Somnigroup International Inc. on February 18, 2025, several months prior to the registration of the disputed domain name. The term “int”, a common abbreviation for “international”, added after the Complainant’s mark in the disputed domain name, demonstrates the Respondent’s knowledge of the Complainant. Therefore, the Panel finds that the Respondent was aware of the Complainant when the Respondent registered the disputed domain name. *BV Law Firm TechLaB - Technology Law Boutique v. Venu Olis, Venu Olis*, WIPO Case No. [D2025-3799](#).

Panels have held that the use of a domain name for illegitimate activity such as impersonation of another entity constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy.

The Panel notes that the Respondent has been an unsuccessful respondent in at least two prior decisions under the Policy where fraud was alleged. See *Kinder Morgan, Inc. v. Mark Evans, Angaroute*, WIPO Case No. [D2025-3252](#), and *ATI Inc. v. Mark Evans, Angaroute*, WIPO Case No. [D2024-4372](#). The Panel does not need to rely on these decisions to reach a conclusion in this case.

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 <somnigroupint.com> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: January 19, 2026