

ADMINISTRATIVE PANEL DECISION

Serta Simmons Bedding, LLC v. Domain Admin, Privacy Protect LLC
PrivacyProtect org
Case No. D2025-5213

1. The Parties

The Complainant is Serta Simmons Bedding, LLC, United States of America (“United States”), represented by Quarles & Brady LLP, United States.

The Respondent is Domain Admin, Privacy Protect LLC PrivacyProtect org, United States.

2. The Domain Name and Registrar

The disputed domain name <sssbmanufacturing.com> is registered with GMO Internet, Inc. d/b/a Discount- Domain.com and Onamae.com (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 13, 2025. On December 15, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 16, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 13, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Parties of the Respondent’s default on January 16, 2026.

The Center appointed Ingrīda Kariņa-Bērziņa as the sole panelist in this matter on January 21, 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 a company registered in Delaware, United States, that manufactures and distributes mattresses and related products in the United States and internationally.

It asserts unregistered trademark rights in two marks. First, it states that the mark SSB (an abbreviation of Serta Simmons Bedding, LLC) has been used on its website and in social media posts alluding to this company name abbreviation. It provides evidence of such use dating from the time that the Complainant was formed as the result of a merger in approximately 2010. Second, the Complainant states that SSB Manufacturing Company is its manufacturing subsidiary that purchases raw materials and manufactures mattresses under the SIMMONS and BEAUTYREST marks. The Complainant provides evidence that, in the United States, such mattresses display tags identifying SSB Manufacturing Company as the manufacturer.

The disputed domain name was registered on May 21, 2025. At the time of the Complaint and of this Decision, it resolved to a website purporting to be operated by "SSB Manufacturing" stating, *inter alia*:

"THE TRUSTED LEADER IN BEDDINGS. SSB Manufacturing Company (doing business as Simmons Bedding) sleeps tight as one of the world's largest mattress makers alongside rival Sealy. Founded by Zalmon Simmons in 1870, the company makes mattresses and accessories at several price points for a variety of consumers looking for luxury, eco-friendly, and memory foam products."

The website displays images of (but not the ability to purchase) mattresses, and contact information identical to that of the street address of the Complainant.

The record contains evidence that the disputed domain name was used by the Respondent to generate emails impersonating the Complainant's former employee, whereby a third party was presented with a purchase order bearing the Complainant's logo requesting the shipment of chemicals.

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.

The Complainant states that its origins date to the Simmons mattress manufacturer established in the 1870s. Notably, the Complainant contends that, as described above, it enjoys unregistered trademark rights in the SSB and SSB MANUFACTURING marks due to the longstanding and continuous use of these marks, which have acquired secondary meaning in connection with the Complainant's products. These marks are recognizable in the disputed domain name. The Respondent has no relationship to the Complainant and is not authorized to use its marks. The disputed domain name is used for a website that lists the address of the Complainant's headquarters in Georgia, United States. In addition, the disputed domain name was used to generate emails impersonating the Complainant's former employee whereby a supplier of chemical products was presented with a purchase order bearing the Complainant's corporate logo. In furtherance of this fraudulent scheme, the purchase order was confirmed by the Respondent by telephone.

The Complainant requests transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires the Complainant to make out all three 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 Respondent has registered and is using the disputed domain name in bad faith.

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

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 Panel finds that, based on the available record, the Complainant has established unregistered trademark or service mark rights in the SSB and SSB MANUFACTURING marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3. The Panel finds that the Complaint establishes that the SSB and SSB MANUFACTURING marks demonstrate source-identifying capacity through their use in commerce as a designation of source. The fact that the Respondent is shown to have been targeting the Complainant's marks (e.g., based on the manner in which the disputed domain name has been used) supports the Complainant's assertion that its SSB and SSB MANUFACTURING marks have achieved significance as source identifiers. [WIPO Overview 3.0](#), section 1.3.

The entirety of the SSB MANUFACTURING mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 Panel notes that the disputed domain name reflects the Complainant's SSB and SSB MANUFACTURING marks in their entirety. Such a composition carries a risk of implied affiliation with the Complainant, which is inconsistent with a finding that the Respondent has rights or legitimate interests in the disputed domain name. See [WIPO Overview 3.0](#), section 2.5.1.

The Panel notes that the Respondent's website states that it is operated by "SSB Manufacturing", directly references the Complainant ("SSB Manufacturing Company (doing business as Simmons Bedding) sleeps tight as one of the world's largest mattress makers alongside rival Sealy"), and displays the Complainant's corporate headquarters address. The record additionally contains evidence of a fraudulent scheme based on the disputed domain name. Consistent with UDRP practice, the Panel finds that the use of the disputed domain name for illegal activity (here, claimed impersonation/passing off, or other types of fraud) cannot confer rights or legitimate interests on the 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.

According to UDRP practice, where a domain name has been registered before a complainant has acquired trademark rights, only in exceptional cases would a complainant be able to prove a respondent's bad faith. [WIPO Overview 3.0](#), section 3.8.2. Accordingly, the Panel must consider whether the record supports a finding that the Complainant had established rights in its mark as of May 21, 2025, the date that the disputed domain name was registered.

To establish unregistered or common law trademark rights for purposes of the UDRP, the complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant's goods and/or services. [WIPO Overview 3.0](#), section 1.3.

The evidence in the record supports a finding that the Complainant has established unregistered trademark rights in the SSB mark date to approximately 2010, when the Serta and Simmons business merger was effected, creating "SSB". The Panel notes the extent and nature of the use of the SSB mark in connection with bedding. The Panel finds that, due to this lengthy period of use, and the evidence of targeting by the Respondent, the SSB mark is not descriptive in respect of the goods and services for which the Complainant claims rights. The fact that the Respondent sought to register a disputed domain name composed of the Complainant's SSB mark together with the term "manufacturing", where the Complainant operates a company with that name, also supports the notion that the Complainant's trademark was already recognized a source identifier for the Complainant at the time of registration, and that the Respondent was targeting the Complainant through the registration of the disputed domain name. [WIPO Overview 3.0](#), section 1.3.

Accordingly, in the present case the Panel finds that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark. The disputed domain name was registered after the Complainant established rights in its SSB trademark. It reflects a deliberate targeting of the Complainant and its mark.

Panels have held that the use of a domain name for illegal activity (here, claimed impersonation/passing off, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. The record contains evidence that the Respondent's website features a direct reference to the Complainant. The Respondent's website purports to offer mattresses, which coincides with the business of the Complainant. The Respondent's website lists the Complainant's business address as its own. The record also contains evidence that the Respondent used the disputed domain name in furtherance of a fraudulent scheme. 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 Respondent has provided no evidence of actual or contemplated good-faith use of the disputed domain name, nor does the Panel find any such use plausible in view of the circumstances discussed above.

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 <sssbmanufacturing.com> be transferred to the Complainant.

/Ingrīda Kariņa-Bērziņa/

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: January 30, 2026