

ADMINISTRATIVE PANEL DECISION

Sunton Corporation LLC v. tyu dfds
Case No. D2025-5428

1. The Parties

The Complainant is Sunton Corporation LLC, United States of America ("United States"), represented by Latimer LeVay Fyock LLC, United States.

The Respondent is tyu dfds, United States.

2. The Domain Name and Registrar

The disputed domain name <herashousepatiofurniture.shop> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on December 30, 2025. On December 30, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On December 30, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 21, 2026, 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 January 21, 2026.

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 January 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 12, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on February 13, 2026.

The Center appointed Steven Auvil as the sole panelist in this matter on February 20, 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 operates an Amazon store under the brand HERA'S HOUSE, offering patio and outdoor furniture in the United States. The Complainant asserts continuous use of the HERA'S HOUSE marks since August 2022 and ownership of United States Trademark Registration No. 7580489 for HERA'S HOUSE, filed on January 12, 2022, registered November 26, 2024, with a first use date of August 01, 2022.

The disputed domain name was registered on July 31, 2024, approximately two years after the Complainant began using its HERA'S HOUSE mark. According to the Complaint, the disputed domain name resolves to a website offering patio and outdoor furniture under the name "HERA'S HOUSE," including product images that the Complainant alleges are copied from its Amazon listings.

According to the Complaint, the Respondent is not affiliated with the Complainant, is not authorized to use the Complainant's marks, and has no known business relationship with the Complainant.

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.

First, the Complainant contends that the disputed domain name is confusingly similar to its HERA'S HOUSE marks because it incorporates the dominant element "heras house" and merely adds the descriptive term "patio furniture" and the generic Top-Level Domain ("gTLD") ".shop", which do not avoid confusing similarity.

Second, the Complainant contends that the Respondent lacks rights or legitimate interests in the disputed domain name because the Respondent is not affiliated with or authorized by the Complainant to use the disputed domain name, is not commonly known by the disputed domain name, and uses the disputed domain name to sell competing products and to imitate the Complainant's offerings using copied product imagery.

Finally, the Complainant contends that the disputed domain name was registered and used in bad faith, particularly under paragraph 4(b)(iv) of the Policy, because the Respondent intentionally attempts to attract Internet users for commercial gain by creating a likelihood of confusion with the HERA'S HOUSE mark and by using the disputed domain name to sell competing goods under the HERA'S HOUSE name.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

According to 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.” Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following to obtain relief:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or a service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

In view of the Respondent’s failure to submit a Response, the Panel is entitled to accept as true the allegations set forth in the Complaint (unless the evidence is clearly contradictory), and to derive reasonable inferences from the evidence presented.

Based on the foregoing guidance, the Panel makes the following findings and conclusions based on the allegations and evidence contained in the Complaint, and reasonable inferences drawn from the evidence presented.

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 Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 1.7.

The Complainant has demonstrated trademark rights in HERA’S HOUSE by virtue of its United States trademark registration.

As set forth in [WIPO Overview 3.1](#), section 1.7, when the entirety of a mark is reproduced within the disputed domain name, or “at least a dominant feature of the relevant mark is recognizable in the domain name,” the disputed domain name is deemed confusingly similar to the mark for the purposes of the Policy. Further, where the “relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise)” does not prevent a finding of confusing similarity. [WIPO Overview 3.1](#), section 1.8.

The disputed domain name incorporates the Complainant’s mark and adds the descriptive term “patio furniture.” The addition of descriptive wording does not prevent a finding of confusing similarity. [WIPO Overview 3.1](#), section 1.8.

Additionally, as set forth in section 1.11.1 of the [WIPO Overview 3.1](#), the applicable gTLD (e.g., “.com” or “.org”) is viewed as a standard registration requirement and as such is typically disregarded under the first element’s confusing similarity test. As such, the use of “.shop” gTLD in the disputed domain name has no bearing on the confusing similarity analysis.

Accordingly, 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. Such circumstances include:

- (i) before any notice of the dispute, the Respondent used, or prepared 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;
- (ii) the Respondent (as an individual, business, or other organization) is 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 domain name, without intent for commercial gain to misleadingly divert consumers or tarnish the trademark or service mark at issue.

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 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests in the dispute domain name. The Respondent is not authorized by the Complainant to use the HERA'S HOUSE mark, is not commonly known by the domain name, and—according to the Complaint and evidence—uses the domain to offer competing goods while copying images of the Complainant's products. Such conduct cannot constitute a bona fide offering of goods or a legitimate noncommercial or fair use. The Respondent has provided no evidence to rebut the Complainant's case.

Accordingly, 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 that, if found by the Panel to be present, is 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 3.1](#), section 3.2.1. Evidence of bad faith includes “by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.” Policy, paragraph 4(b)(iv).

In the present case, the Panel concludes that the Respondent registered and used the disputed domain name in bad faith under paragraph 4(b)(iv) of the Policy.

The Respondent registered the disputed domain name long after the Complainant established rights in HERA'S HOUSE. The Respondent's use of the confusingly similar domain name to sell patio and outdoor furniture under the HERA'S HOUSE name, using imagery copied from the Complainant's offerings, indicates a clear attempt to attract Internet users to the web site associated with the disputed domain name, creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of that web site and goods thereon.

Accordingly, the Panel finds the third element of the Policy has been established.

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 <herashousepatiofurniture.shop> be transferred to the Complainant.

/Steven Auvil/

Steven Auvil

Sole Panelist

Date: March 6, 2026