

## **ADMINISTRATIVE PANEL DECISION**

Utopia Towels Inc. v. Roy Barnes  
Case No. D2025-5433

### **1. The Parties**

The Complainant is Utopia Towels Inc., United States of America (“United States”), internally represented.

The Respondent is Roy Barnes, Russian Federation.

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

The disputed domain name <utopiabedding.org> is registered with Porkbun 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 which differed from the named Respondent (unknown registrant) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 3, 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 amended Complaint on January 5, 2026.

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 January 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 29, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on January 30, 2026.

The Center appointed Clive Duncan Thorne as the sole panelist in this matter on February 10, 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 the owner of the trade mark UTOPIA BEDDING registered in the United States, United Kingdom ("UK"), France, European Union ("EU"), as an International mark and certain other jurisdictions worldwide. Evidence of registration is set out in Annex 2 to the Complaint including;

International registration No. 1389219 registered on October 13, 2017 in class 24.

EU registration No. 018855131 registered on October 4, 2023 in classes 20 and 24.

UK registration No. UK00003894102 registered on June 23, 2023 in classes 20 and 24

Although the Complainant does not provide evidence of its trading activity, given that the trade marks are registered in class 24 in respect of bedding products and that the registrations are in respect of the mark UTOPIA BEDDING the Panel finds that the Complainant has been engaged in the business of marketing bedding products since at least 2017, the date of the first trade mark registrations exhibited by it.

The Complainant is also the prior registrant and continuous owner of the domain name <utopiabedding.com> which was registered on February 9, 2013. Evidence of this is set out in Annex 3 to the Complaint. The Complainant states that it has used this domain name continuously since the date of registration.

Both the Complainant's trade mark and domain name predate the disputed domain name which was registered on September 18, 2024.

In the absence of a Response, the evidence of the Respondent's use of <utopiabedding.org>, the disputed domain name, is a print out from the Respondent's website exhibited to the Complaint. That is headed UTOPIA BEDDING and refers throughout to UTOPIA BEDDING sleeping products. It states that its office is in New York, United States. That is not the current address of the Complainant as set out in the Complaint though it is the Complainant's address as stated in the exhibited trade mark registrations dated 2017. Nor is it the address of the Respondent which is given in the Complaint as in Moscow, Russian Federation.

In the absence of a Response the Panel finds the evidence submitted by the Complainant to be true.

#### **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 ;

- i. The disputed domain name is identical or confusingly similar to the Complainant's registered trade mark UTOPIA BEDDING;
- ii. On the evidence the Respondent has no rights or legitimate interests in respect of the disputed domain name;
- iii. The disputed domain name was registered and is being used in bad faith. This is evidenced by the Respondent's use of the disputed domain name to access a trading website using the Complainant's trade mark UTOPIA BEDDING and the fact that the Respondent has concealed its identity through a Whois privacy service.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the 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 3.1](#), section 1.7.

The Top-Level Domain ("TLD") in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. [WIPO Overview 3.1](#), section 1.11.1.

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 3.1](#), 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 evidence submitted by the Complainant shows;

- i. The Respondent has never been authorized, licensed, or otherwise permitted by the Complainant to use the disputed domain name.
- ii. The Respondent is not making any legitimate, non-commercial or fair use of the disputed domain name or a bona fide offering of goods utilizing the disputed domain name. To the contrary, the evidence shows that the Respondent is using the disputed domain name to impersonate the Complainant, by copying

the Complainant's website and business address and by offering products using the Complainant's trade mark UTOPIA BEDDING.

Panels have held that the use of a domain name for illegitimate activity here, claimed as applicable to this case: impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), 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.

The evidence submitted by the Complainant establishing the existence of the Respondent's website accessed by an identical domain name to that of the Complainant and offering for sale bedding products similar to those of the Complainant under the Complainant's trade mark UTOPIA BEDDING shows evidence of bad faith conduct.

The Panel finds within Paragraph 4(b) of the Policy a pattern of bad faith conduct by the Respondent within Paragraph 4(b)(ii) and also an intentional attempt to attract for commercial gain, Internet users by creating a likelihood of confusion within Paragraph 4(b)(iv) of the Policy .

Panels have held that the use of a domain name for illegitimate activity here, claimed as applicable to this; impersonation/passing off, constitutes bad faith. [WIPO Overview 3.1](#), 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 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 <utopiabedding.org> be transferred to the Complainant.

*/Clive Duncan Thorne/*

**Clive Duncan Thorne**

Sole Panelist

Date: February 24, 2026