

ADMINISTRATIVE PANEL DECISION

HNI Technologies, Inc. v. SeanM Hemming
Case No. D2026-1827

1. The Parties

The Complainant is HNI Technologies, Inc., United States of America (“United States”), represented by Faegre Drinker Biddle & Reath, United States.

The Respondent is SeanM Hemming, United States.

2. The Domain Name and Registrar

The domain name <hearthhomeshop.com> (the “Disputed Domain Name”) is registered with Gname.com Pte. Ltd. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 29, 2026. On April 29, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 30, 2026, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 1, 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 May 6, 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 May 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 28, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 4, 2026.

The Center appointed Lynda M. Braun as the sole panelist in this matter on June 17, 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 and its predecessors in interest began operations in 1947 and is today a large publicly-held company based in the United States. In 1996, the Complainant acquired what would go on to become its residential building products division, Hearth & Home Technologies, which designs, manufactures, and distributes a variety of gas, electric, wood, and pellet fireplaces, inserts, stoves and accessories. As of the third quarter of 2025, the Complainant's 12-month net sales totaled USD 2.6 billion.

In addition to owning common law trademark rights in the United States as a result of longstanding, exclusive and continuous use since at least 2006, the Complainant owns the following registered trademarks through the United States Patent and Trademark Office ("USPTO") as follows: HEARTH & HOME TECHNOLOGIES, United States Registration No. 3,275,634, registered on August 7, 2007, with a first use anywhere and first use in commerce of August 2, 2006, in International Classes 6, 11, and 19; and HEARTH & HOME TECHNOLOGIES (stylized), United States Registration No. 3,272,710, registered on July 31, 2007, with a first use anywhere and first use in commerce of August 2, 2006, in International Classes 6, 11, and 19. The Complainant also owns registered trademarks in other jurisdictions worldwide, including Canada, Australia and New Zealand. The foregoing registered trademarks will hereinafter collectively be referred to as the "HEARTH & HOME Mark".

The Complainant owns the domain name <hearthnhome.com>, which redirects to the Complainant's official website at "www.hearthnhome.com", through which the Complainant actively promotes its HEARTH & HOME Mark and brand.

The Disputed Domain Name was registered on November 7, 2024 and resolves to a website that impersonates the Complainant's official website, and that purports to sell assorted home goods as an outlet store of the Complainant. The Respondent's website displays the HEARTH & HOME Mark and uses the Complainant's marketing imagery in an effort to deceive visitors into believing that the website is a legitimate outlet of the Complainant. In addition, the Respondent's resolving site includes product listings accompanied by "Add to Cart" and "Place Order" buttons, while also requesting visitors' personal information including name, address, phone, email, and credit card information.

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 Disputed Domain Name is confusingly similar to the HEARTH & HOME Mark because the Disputed Domain Name contains HEARTH & HOME Mark almost in its entirety, albeit without the ampersand and the term "technologies" in the trademark, and the addition of the term "shop" in the Disputed Domain Name followed by the generic Top-Level Domain ("gTLD") ".com";
- the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, among other things, the Disputed Domain Name resolves to a website that passes off as the Complainant's official website, and requests visitors' personal and financial information; and

- the Disputed Domain Name was registered and is being used in bad faith because, among other things, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's HEARTH & HOME Mark.

The Complainant seeks the transfer of the Disputed Domain Name in accordance with paragraph 4(i) of the Policy.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy requires that the Complainant prove the following three elements in order to prevail in this proceeding:

- (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 was registered and is being used in bad faith.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a two-fold inquiry: a threshold investigation into whether a complainant has rights in a trademark, followed by an assessment of whether the disputed domain name is identical or confusingly similar to that trademark. The Panel concludes that in the present case, the Disputed Domain Name is confusingly similar to the HEARTH & HOME Mark, differing only by the omission of the ampersand and the term "technologies" in the trademark, and the addition of the term "shop" in the Disputed Domain Name, followed by the gTLD ".com".

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. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

It is uncontroverted that the Complainant has established rights in the HEARTH & HOME Mark based on its years of use as well as its registered trademarks for the HEARTH & HOME Mark in the United States and other jurisdictions around the world. The registration of a mark satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case. As stated in section 1.2.1 of the [WIPO Overview 3.1](#), "[w]here the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case". The Panel finds that the Complainant satisfied the threshold requirement of having trademark rights in the HEARTH & HOME Mark.

As described above, the Disputed Domain Name incorporates the HEARTH & HOME Mark almost in its entirety, although it omits an ampersand and the term “technologies” from the mark, but adds the term “shop”, followed by the gTLD “com”. The test for confusing similarity involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name. Here, the HEARTH & HOME Mark is recognizable within the Disputed Domain Name. As stated in section 1.8 of [WIPO Overview 3.1](#), “where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive . . . or otherwise) would not prevent a finding of confusing similarity under the first element”. Thus, the addition of the term “shop” to the Complainant’s HEARTH & HOME Mark in the Disputed Domain Name does not prevent a finding of confusing similarity. See *e.g.*, *Allianz Global Investors of America, L.P. and Pacific Investment Management Company (PIMCO) v. Bingo-Bongo*, WIPO Case No. [D2011-0795](#); and *Hoffmann-La Roche Inc. v. Wei-Chun Hsia*, WIPO Case No. [D2008-0923](#).

Further, the addition of a gTLD such as “.com” in a domain name is a technical requirement. As such, it is well established that a gTLD may typically be disregarded when assessing whether a disputed domain name is identical or confusingly similar to a trademark. See *Proactiva Medio Ambiente, S.A. v. Proactiva*, WIPO Case No. [D2012-0182](#), and [WIPO Overview 3.1](#), section 1.11.1. Thus, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant’s HEARTH & HOME Mark.

Based on the available record, the Panel finds that 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 that 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.

In this case, given the facts as set out above, the Panel finds that the Complainant has made out a prima facie case. The Respondent has not submitted any arguments or evidence to rebut the Complainant’s prima facie case. Furthermore, the Complainant has not authorized, licensed, or otherwise permitted the Respondent to use its HEARTH & HOME Mark. Nor does the Complainant have any type of business relationship with the Respondent. There is also no evidence that the Respondent is commonly known by the Disputed Domain Name or by any similar name, nor any evidence that the Respondent was using or making demonstrable preparations to use the Disputed Domain Name in connection with a bona fide offering of goods or services. See Policy, paragraph 4(c).

The Disputed Domain Name resolves to a website displaying the HEARTH & HOME Mark, and thus, the Respondent does not have rights or legitimate interests in the Disputed Domain Name. When Internet users arrive at the Respondent’s website, they will find a site in which the Respondent attempts to pass off as the Complainant, purportedly offering home goods to customers, which compete with that offered by the Complainant on its official website. The Panel thus determines that the Respondent is not making a bona fide offering of goods nor a legitimate noncommercial or fair use of the Disputed Domain Name but rather is using the Disputed Domain Name for commercial gain with the intent to mislead the Complainant’s customers into believing that they had arrived at the Complainant’s website or an outlet of the website.

The Panel also determines that the use of the Disputed Domain Name to pass off as the Complainant to offer competing or potentially counterfeit goods does not confer rights or legitimate interests on the Respondent. See [WIPO Overview 3.1](#), section 2.13.1 (“Panels have categorically held that the use of a domain name for illegal activity (*e.g.*, the sale of counterfeit goods [...] passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent.”). Screenshots of the website of the Disputed Domain Name were submitted by the Complainant in Annexes to the Complaint to demonstrate the Respondent’s passing off of the Complainant and HEARTH & HOME Mark.

Moreover, it appears highly likely that the Respondent is intentionally impersonating the Complainant in order to profit from sales or otherwise engage in some manner of phishing or other nefarious conduct that would be facilitated by such content. Such conduct is evidenced by the Respondent’s request for personal and financial information from visitors to the website, which could promote a phishing or otherwise illicit scheme, as it is otherwise implausible why the Respondent would engage in such behavior, and fails to give rise to any legitimate interest with respect to the Disputed Domain Name.

In sum, the Panel finds that the Complainant has established an unrebutted prima facie case that the Respondent lacks rights or legitimate interests in the Disputed Domain Name.

Based on the available record, the Panel finds that 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 Panel finds that based on the record, the Complainant has demonstrated the existence of the Respondent’s bad faith registration and use of the Disputed Domain Name pursuant to paragraph 4(a)(iii) of the Policy. 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.

Panels have held that the use of a domain name for illegitimate activity, here, passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds that the Respondent’s registration and use of the Disputed Domain Name constitutes bad faith under the Policy due to the Respondent’s copying of the Complainant’s website to offer competing or purportedly counterfeit goods to unwitting customers.

The Respondent attempted to pass off as the Complainant by creating a highly similar website purportedly offering HEARTH & HOME-branded products for sale, demonstrating bad faith. Therefore, it strains credulity to believe that the Respondent had not known of the Complainant or its HEARTH & HOME Mark when registering the Disputed Domain Name. See *Myer Stores Limited v. Mr. David John Singh*, WIPO Case No. [D2001-0763](#) (“a finding of bad faith may be made where the respondent ‘knew or should have known’ of the registration and/or use of the trademark prior to registering the domain name”). In this regard, the fact that the Respondent displayed the HEARTH & HOME Mark on its website also indicates that the Respondent was aware of the Complainant and its home goods. The Panel notes that the composition of the Disputed Domain Name, together with its use, affirms the Respondent’s intention to take unfair advantage of the likelihood of confusion between the Disputed Domain Name and the Complainant as to the origin or affiliation of the website at the resolving Disputed Domain Name. In sum, the Panel finds that the Respondent had the Complainant’s HEARTH & HOME Mark in mind when registering the Disputed Domain Name.

The use of a domain name to intentionally attempt to attract Internet users to a respondent's website or online location by creating a likelihood of confusion with a complainant's mark as to the source, sponsorship, affiliation or endorsement of the registrant's website or online location for commercial gain demonstrates registration and use in bad faith. Here, the Respondent's registration and use of the Disputed Domain Name indicate that such registration and use had been done for the specific purpose of trading upon and targeting the name, mark, and goodwill of the Complainant. See *Madonna Ciccone, p/k/a Madonna v. Dan Parisi and "Madonna.com"*, WIPO Case No. [D2000-0847](#) (“[t]he only plausible explanation for the Respondent's actions appears to be an intentional effort to trade upon the fame of the Complainant's name and mark for commercial gain”).

Moreover, the Panel concludes that the Respondent's registration of the Disputed Domain Name was an attempt to disrupt the Complainant's business. See *Banco Bradesco S.A. v. Fernando Camacho Bohm*, WIPO Case No. [D2010-1552](#). The Respondent's use of the Disputed Domain Name was also likely to confuse Internet users into incorrectly believing that the Respondent was authorized by, operated by, sponsored by, or affiliated with the Complainant.

Based on the available record, the Panel finds that 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 <hearthhomeshop.com> be transferred to the Complainant.

/Lynda M. Braun/

Lynda M. Braun

Sole Panelist

Date: June 30, 2026