

ADMINISTRATIVE PANEL DECISION

Lamps Plus, Inc. v. Delphia Chang, ChangDelphia
Case No. D2026-2231

1. The Parties

The Complainant is Lamps Plus, Inc., United States of America, represented by Sheppard, Mullin, Richter & Hampton, LLP, United States.

The Respondent is Delphia Chang, ChangDelphia, United States.

2. The Domain Name and Registrar

The disputed domain name <johntimberlandlighting.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 May 22, 2026. On May 26, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 27, 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 (Whois Privacy Protection Service by onamae.com) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 27, 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 May 28, 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 May 29, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 18, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 19, 2026.

The Center appointed Angela Fox as the sole panelist in this matter on June 24, 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 specialty lighting retailer based in the United States. It operates online and in 35 physical stores in the western United States. It offers a full range of lighting, home furnishings and décor, including outdoor fountains and artisan-made customizable lamps. Its products are also sold on eBay, Amazon, and through Walmart.

Since at least as early as 2001, the Complainant has been doing business in the retail lighting and home and garden décor sector under the trademark JOHN TIMBERLAND. The Complainant owns U.S. trademark registration no. 3,093,196 for the JOHN TIMBERLAND mark in Class 11, filed on June 9, 2005 and registered on May 16, 2006, with a first use date of December 31, 2001, details of which were annexed to the Complaint.

The disputed domain name was registered on March 3, 2026. It is in use to host a website offering JOHN TIMBERLAND-branded lighting, fountains and garden décor for sale, including displaying the Complainant's original copyright product photographs, and using the Complainant's own product names, descriptions and identifiers. Screenshots from the Respondent's website were annexed to the Complaint. Nowhere on the home page does the Respondent make clear what its relationship with the Complainant is, if any.

Puzzlingly, on the About Us page of the website, the Respondent states that:

"www.johntimberlandlighting.com is a leading player in online fashion for fashion and beauty-conscious girls between the ages of 15 and 25 years old. Nelly inspires daily with new fashion from hundreds of different brands. Here you'll find clothing, shoes, underwear, swimwear, beauty products, accessories, and sportswear for every occasion." However, the Respondent's website does not appear to offer any clothing or fashion products for sale at all.

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 Complainant's trademark, incorporating the JOHN TIMBERLAND mark in its entirety and merely adding the generic descriptive term "lighting".

The Complainant further submits that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not a representative of the Complainant, has no business relationship with the Complainant, does not have a license to use the JOHN TIMBERLAND mark, and is not authorized by the Complainant to register any domain name incorporating the JOHN TIMBERLAND mark. The Respondent's apparent offer for sale of JOHN TIMBERLAND-branded lighting and garden décor on its website is not a bona fide offering of goods and services, because the Respondent has used the Complainant's copyright images and text without consent and does not disclose its identity and the fact that it has no relationship with the Complainant. Rather, the Respondent's website deceptively leads visitors to believe that the Complainant is operating the Respondent's website or is somehow associated with it. The disputed domain name itself falsely suggests sponsorship, affiliation, or endorsement by the Complainant.

Finally, the Complainant submits that the disputed domain name was registered and has been used in bad faith. The offering of JOHN TIMBERLAND products for sale through the Respondent's website, and the Respondent's use of the Complainant's copyright images and product names and descriptions, together demonstrate that the Respondent was aware of the Complainant's trademark when it registered the disputed domain name. The Respondent's use of the disputed domain name is designed to attract Internet users for commercial gain by creating a likelihood of confusion with Complainant's JOHN TIMBERLAND mark as to source, sponsorship, affiliation, or endorsement.

B. Respondent

The Respondent did not reply to the Complainant's contentions and is in default. No exceptional circumstances explaining the default have been put forward. Therefore, in accordance with paragraphs 14 (a) and (b) of the Rules, the Panel will proceed to a decision on the Complaint and shall draw such inferences as it considers appropriate from the Respondent's default.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the panel finds that:

- (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 the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

All three elements must be present before a complainant can succeed in an administrative proceeding under the Policy.

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 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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of the term "lighting" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 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.

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.

In this case, the Respondent is not a licensee of nor in any way affiliated with the Complainant, nor is there any evidence that it has been commonly known by a name corresponding to the disputed domain name. The Respondent has been using the disputed domain name to offer for sale what purports to be JOHN TIMBERLAND products at discounted prices, making unauthorized use of the Complainant’s copyright images and product names and descriptions. However, this is not a bona fide offering of goods under the Policy. Where a respondent is re-selling a complainant’s products, then the applicable criteria for determining whether a respondent can assert a right or legitimate interest in a domain name that incorporates the complainant’s trademark are set out in *Ok! Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#). The Respondent’s use does not fall within these criteria because the Respondent’s website does not disclose the fact that the website is not linked to the Complainant. There is a clear risk of implied affiliation and confusion with the Complainant arising from the disputed domain name’s nature and the Respondent’s activities.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy establishes certain circumstances which, in particular, but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Under paragraph 4(b)(iv) of the Policy, such circumstances include that by using the disputed domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location.

In this case, the Respondent has used the disputed domain name in connection with a website which clearly targets the Complainant and which uses the Complainant’s trademark in order to offer what purport to be the Complainant’s products at discounted prices. The disputed domain name is inherently confusingly similar to the Complainant’s JOHN TIMBERLAND trademark, with the descriptive word “lighting” reinforcing that confusing similarity by denoting the main product for which the Complainant’s mark is used. The Respondent’s website does not disclose that it has no relationship with the Complainant and taking into account the confusing similarity of the disputed domain name and trademark, and the nature of the Respondent’s use, there is a clear likelihood of confusion with the Complainant’s JOHN TIMBERLAND mark as to the source, affiliation or endorsement of the Respondent’s website. The Panel finds that the Respondent has been using the disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant.

Taking all of this into account, the Panel finds that the Respondent registered and has used the disputed domain name in bad faith. The Complainant has therefore 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 <johntimberlandlighting.com> be transferred to the Complainant.

/Angela Fox/

Angela Fox

Sole Panelist

Date: July 8, 2026