

ADMINISTRATIVE PANEL DECISION

Sennheiser electronic GmbH & Co. KG v. Iar frank
Case No. D2026-2869

1. The Parties

The Complainant is Sennheiser electronic GmbH & Co. KG, Germany, represented by Bettinger Rechtsanwälte Partnerschaft mbB, Germany.

The Respondent is Iar frank, Philippines.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 1, 2026. On July 1, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 1, 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, User #c0517c8c Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 2, 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 July 4, 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 July 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 26, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 27, 2026.

The Center appointed Jane Lambert as the sole panelist in this matter on July 28, 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 German business entity known as a “Gesellschaft mit beschränkter Haftung & Compagnie Kommanditgesellschaft”, that is to say a limited partnership with a private limited company as the general partner. It traces its origins to a business called “Laboratorium Wennebostel” founded by Fritz Sennheiser in 1945. That business’s first product was a voltmeter. The Complainant is now a major audio equipment supplier designing and manufacturing a wide range of premium products, including microphones, headphones, monitor systems, telephone accessories, aviation and office headsets and all-round audio solutions. It employs 2,800 persons at its factories in Germany, Ireland and the United States of America and sales offices and research facilities around the world.

It registered the word SENNHEISER as:

- An international trade mark under registration number 670839 for goods in class 9, designating, inter alia, Austria, the Benelux, France, Hungary, Italy, Poland, Portugal, Romania, Russian Federation, and Switzerland on March 6, 1997;
- A European Union trade mark under registration number 001594308 for goods and services in classes 3, 9, 18, 21, 25, 28, 38, 41, and 42 on August 21, 2001; and
- A United Kingdom trade mark under registration number UK00901594308 for goods and services in classes 3, 9, 18, 21, 25, 28, 38, 41, and 42 on August 21, 2001.

The Complainant holds several domain names incorporating its trade mark, some of which are registered under generic Top-Level Domains such as <sennheiser.com>, <sennheiser.net>, and <sennheisershop.com>. Others are registered in country code Top-Level Domains.

The Complainant advertises its products on its website at “www.sennheiser.com” with pages in German, English and other major languages and on its accounts with Facebook, Instagram, X, and YouTube.

The disputed domain name, which was registered on April 27, 2026, resolves to a website that presents itself as a SENNHEISER online store and purports to offer SENNHEISER-branded headphones, soundbars, hearing products and related audio equipment for sale. Copies of pages from that site are annexed to the Complaint as Annex 9. The site displays prominently the SENNHEISER word mark and logo in the header of the page. It uses promotional imagery, product photographs, and marketing language associated with SENNHEISER consumer audio products. The overall layout, branding, typography, product presentation, and navigation structure are designed to create the false impression that the website is operated by, affiliated with, or authorized by the Complainant or by one of its authorized licensees, distributors, or sales channels. Nothing is known of the Respondent other than the information obtained from the Registrar by the Center mentioned above.

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:

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

The Complainant observes that in order to prevail, a complainant must demonstrate, on the balance of probabilities, that it has satisfied those requirements and contends that it has done so.

First, it submits that the disputed domain name is confusingly similar to its SENNHEISER trade mark. It notes that the disputed domain name incorporates the trade mark in its entirety as the dominant and immediately recognizable element. The only additional element in the disputed domain name is the word “sale”. The Complainant submits that “sale” is a common, descriptive term used in e-commerce and retail contexts to indicate that goods are being offered for purchase, often at discounted prices. It is therefore directly related to online retail activity and to the purported commercial offer of goods.

The Complainant points out that the addition of a descriptive or commercial term to a complainant’s trade mark does not prevent a finding of confusing similarity, where the trade mark remains clearly recognizable within the disputed domain name. That applies in particular where the added term refers to the sale, promotion, or online offering of goods for which a complainant’s trade mark is well known.

Accordingly, the disputed domain name is confusingly similar to a trade mark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

Secondly, the Complainant submits that the Respondent has no rights or legitimate interests in the disputed domain name.

It notes that 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. It is therefore the settled case law under the Policy that, 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.

The Complainant contends that the Respondent is not using the disputed domain name in connection with any bona fide offering of goods or services. The Complainant has not licensed, authorized, or otherwise permitted the Respondent to use the SENNHEISER trade mark, whether in a domain name or otherwise. The Respondent is not affiliated with the Complainant in any way. It has never been an authorized distributor, reseller, or partner of the Complainant. The Respondent is not making a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy. The disputed domain name resolves to a website that impersonates the Complainant and purports to offer the Complainant’s branded products for sale.

The Complainant concludes that it has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name, which the Respondent has failed to rebut.

Thirdly, the Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant refers to paragraph 4(b) of the Policy which lists four factors which, in particular but without limitation, may be evidence of registration and use of a domain name in bad faith for the purposes of paragraph 4(a)(iii). It submits that the disputed domain name was registered and is being used in bad faith for reasons that fall within, and in any event go beyond, the non-exhaustive list of circumstances set out in paragraph 4(b) of the Policy.

As to registration in bad faith, the Complainant contends that the registration of a domain name that incorporates a trade mark that is distinctive and well known worldwide, that has been in continuous and extensive use for decades and enjoys a strong international reputation is an act of bad faith in itself.

As for use in bad faith, the Complainant points to the Respondent's website which falsely presents itself as an official SENNHEISER online store. The Complainant submits that this conduct falls squarely within paragraph 4(b)(iv) of the Policy, which provides that bad faith exists where a respondent uses a domain name to intentionally attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark as to source, sponsorship, affiliation, or endorsement.

The Complainant notes that panels consistently find bad faith where a domain name is used for phishing, impersonation, or fake online shops falsely purporting to sell a complainant's goods.

The Complainant concludes that the Respondent has registered the disputed domain name with full knowledge of the Complainant's well-known SENNHEISER trademark and is using it to operate a website that impersonates the Complainant for commercial gain. Accordingly, the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) and paragraph 4(b)(iv) of the Policy.

B. Respondent

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

6. Discussion and Findings

The agreement to register the disputed domain name incorporated by reference paragraph 4(a) of the Policy:

"a. Applicable Disputes. You are required to submit to a mandatory administrative proceeding in the event that a third party (a "complainant") asserts to the applicable Provider, in compliance with the Rules of Procedure, that

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

In the administrative proceeding, the complainant must prove that each of these three elements are present."

As the Complainant observes, it must demonstrate, on the balance of probabilities, that it has satisfied the requirements of paragraph 4(a) of the Policy in order to prevail.

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 trade mark 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 other terms here, “sale”, may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

Panels have held that the use of a domain name for illegal activity here, claimed as copycat sites and 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. One of those circumstances is provided by paragraph 4(b)(iv):

“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.”

In the present case, the Panel notes that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to his web site by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of his web site by his use of the disputed domain name.

Further, panels have held that the use of a domain name for illegal activity here, claimed as copycat sites and 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 <sennheisersale.com> be transferred to the Complainant.

/Jane Lambert/

Jane Lambert

Sole Panelist

Date: August 11, 2026