

ADMINISTRATIVE PANEL DECISION

Dreamwell, Ltd. v. David Sokolov
Case No. D2026-3305

1. The Parties

The Complainant is Dreamwell, Ltd., United States of America ("U.S." or "United States"), represented by Quarles & Brady LLP, U.S.

The Respondent is David Sokolov, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <thesimmonsbeautyrest.com> is registered with Dynadot Inc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 24, 2026. On July 27, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 28, 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, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 29, 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 29, 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 August 10, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 30, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 31, 2026.

The Center appointed Gareth Dickson as the sole panelist in this matter on September 4, 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 Dreamwell, Ltd., a limited liability company organized under the laws of the State of Nevada, United States, with its principal place of business in Doraville, Georgia, United States. The Complainant, together with its related companies, manufactures and sells mattresses, box springs, pillows, and other bedding products under the SIMMONS and BEAUTYREST trade marks (together, the “Marks”).

The Complainant has been using each of the Marks for over a century, and is the owner of a portfolio of United States trade mark registrations for each of them, including the following:

- United States trade mark registration number 2,810,380, registered for SIMMONS on February 3, 2004;
- United States trade mark registration 5,306,966, registered for SIMMONS on October 10, 2017;
- United States trade mark registration 2,791,028, registered for BEAUTYREST on December 9, 2003; and
- United States trade mark registration 3,591,976, registered for BEAUTYREST on March 17, 2009.

In addition, the Complainant is the registrant of the domain names <simmons.com> and <beautyrest.com>, both registered in 1997.

The disputed domain name <thesimmonsbeautyrest.com> was registered on February 9, 2024.

The disputed domain name resolves to a website branded “Simmons Beautyrest”, which displays the Complainant’s stylized BEAUTYREST mark and repeatedly refers to “Simmons Beautyrest” in connection with mattress products, including product names corresponding to the Complainant’s own product lines. The website purports to offer these goods for sale, and its footer discloses that the site “is a participant in the Amazon Services LLC Associates Program, an affiliate advertising program designed to provide a means for sites to earn advertising fees by advertising and linking to amazon.com”.

The Respondent is David Sokolov, of Dnipro, Ukraine. The registrant details for the disputed domain name were shielded by a privacy service at the time the Complaint was filed and were subsequently disclosed by the Registrar following the Center’s request for registrar verification. Following disclosure of the Respondent’s identity, the Complainant identified two prior decisions under the Policy in which a respondent sharing the Respondent’s name and country was found to have registered and used other domain names in bad faith, and in which the relevant domain names were ordered to be transferred to the complainants in those proceedings: *ATG Ceylon (Pvt) Limited v. David Sokolov*, WIPO Case No. [D2026-1871](#); and *Apex Brands, Inc. v. David Sokolov*, WIPO Case No. [D2026-2439](#).

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 reproduces the Marks in their entirety; that the Respondent has no rights or legitimate interests in the disputed domain name because the Respondent is not commonly known by the Marks or either of them, has not been authorized by the Complainant to use the Marks or either of them, and uses the disputed domain name to impersonate the Complainant rather than in connection with a bona fide offering of goods or services; and that the Respondent registered and has used the disputed domain name in bad faith to impersonate the Complainant for commercial gain, including by reference to the Respondent's pattern of similar conduct evidenced by two other adverse decisions under the Policy.

B. Respondent

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

6. Discussion and Findings

6.1 Further Procedural Considerations

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceeding takes place with due expedition.

Since the Respondent's mailing address is stated to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification, it is appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceeding should continue.

Having considered all the circumstances of the case, the Panel is of the view that it should continue. The Panel has reached this conclusion in part because the Panel recognizes that the Center employed all reasonably available means calculated to achieve actual notice to the Respondent. In particular, the Center successfully sent the Notification of the Complaint to the email address disclosed for the Respondent by the Registrar. There is no indication that the email notification has not been successfully delivered.

Furthermore, the Panel notes that the disputed domain name was created in February 2024, during the international conflict, suggesting that the Respondent is able to access the Internet, maintain control of the disputed domain name, and should have received at least electronic notice of this proceeding.

Finally, for the reasons which are set out later in this Decision, the Panel has no serious doubt that the Respondent registered and has used the disputed domain names in bad faith. The Panel therefore concludes that the Respondent has been given a fair opportunity to present his case, and so that the administrative proceeding takes place with due expedition the Panel will proceed to a Decision accordingly.

6.2 Substantive Issues

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 trade mark 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 each the Marks is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to each of the Marks for the purposes of the Policy. That conclusion is not altered by the fact that the Respondent has incorporated two different trade marks, each belonging to the Complainant, into a single domain name, even though the Complainant does not own a registered trade mark corresponding to the combination of those two trade marks: “in cases where a domain name incorporates the entirety of a trade mark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark”. [WIPO Overview 3.1](#), section 1.7.

Although the addition of the term “the” 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 further notes that the addition of the generic Top-Level Domain (“gTLD”) “.com” is a standard technical registration requirement and does not prevent a finding of confusing similarity between the disputed domain name and the Mark. [WIPO Overview 3.1](#), section 1.11.

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.

The Panel notes that the Respondent has not come forward with evidence of any of the circumstances set out in paragraph 4(c) of the Policy. The disputed domain name resolves to a website that reproduces the Complainant’s stylized BEAUTYREST mark and repeatedly refers to “Simmons Beautyrest” as though the website were operated by, or affiliated with, the Complainant, while, on the Complainant’s unopposed evidence, redirecting prospective purchasers to an Amazon.com storefront through the Respondent’s own affiliate links. This use does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name. Furthermore, there is no evidence that the Respondent is commonly known by the disputed domain name or either of the Marks, and the Complainant has not authorized the Respondent to use the Marks or either of them.

Panels have held that the use of a domain name for illegitimate activity, here, claimed 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.

In the present case, the Panel notes that the Respondent has used the disputed domain name, which reproduces the Marks in their entirety, to operate a website that reproduces the Complainant's stylized BEAUTYREST mark and repeatedly refers to "Simmons Beautyrest", creating the impression that the website is operated by, or affiliated with, the Complainant. On the unopposed evidence of the Complainant, the Respondent's website directs visitors seeking to purchase mattresses to an Amazon.com storefront through the Respondent's own affiliate links, from which the Respondent stands to earn a commission. The Panel finds that, by this conduct, the Respondent has intentionally attempted to attract, for commercial gain, internet users to an online location by creating a likelihood of confusion with the Mark as to the source, sponsorship, affiliation, or endorsement of that location, within the meaning of paragraph 4(b)(iv) 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, claimed 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 further notes that a respondent with the same name and country location as the Respondent has, very recently, been the subject of at least two prior decisions under the Policy in which panels found that the respondent had registered and used other domain names in bad faith and ordered their transfer: *ATG Ceylon (Pvt) Limited v. David Sokolov*, WIPO Case No. [D2026-1871](#); and *Apex Brands, Inc. v. David Sokolov*, WIPO Case No. [D2026-2439](#). The Panel accepts that the Respondent was the respondent in those proceedings, and therefore that there is a history of similar conduct by the Respondent which further supports a finding that the Respondent registered and has used the disputed domain name in bad faith.

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 <thesimmonsbeautyrest.com> be transferred to the Complainant.

/Gareth Dickson /

Gareth Dickson

Sole Panelist

Date: September 21, 2026