ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Thuma Inc. v. Sherman Bradley
Case No. D2026-3937

1. The Parties

The Complainant is Thuma Inc., United States of America ("United States"), represented by Dinsmore & Shohl LLP, United States.

The Respondent is Sherman Bradley, United States.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 2, 2026. On September 3, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 2, 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 ("Super Privacy Service Ltd c/o Dynadot") and contact information in the Complaint. The Center sent an email communication to the Complainant on September 7, 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 September 9, 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 September 11, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 1, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Parties of the Respondent's default on October 7, 2026.

The Center appointed Ingrīda Kariņa-Bērziņa as the sole panelist in this matter on October 14, 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, a Delaware corporation with its primary offices in San Francisco, California, designs and markets furniture and home furnishings through retail stores and on its website at the domain name <thuma.co>. It is the proprietor of several trademark registrations, including the following:

- United States Trademark Registration No. 5601251 for THUMA (word mark), registered on November 6, 2018 for goods in class 20;
- United States Trademark Registration No. 6943900 for THUMA (word mark), registered on January 3, 2023 for goods in class 20.

The disputed domain name was registered on July 22, 2026. At the time of this Decision, it did not resolve to an active website. The record contains evidence that it previously resolved to an e-commerce website purporting to be operated by “Thuma” and offering home furnishings for sale. The website displayed the statement “At Thuma, we believe that home should be a sanctuary of thoughtful design and enduring quality”.

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 incorporates the entirety of the Complainant’s THUMA mark, preceded by the term “shop”, which does not distinguish the mark. The Top-Level Domain (“TLD”) “.shop” also does not distinguish the mark. The Respondent is not commonly known by the disputed domain name and the Complainant has not granted it permission to use the THUMA mark. The disputed domain name was used for a website that mimicked the Complainant’s website, allegedly offering identical products for sale at heavily discounted prices. The Respondent held itself out as being the Complainant. The Respondent’s website displayed product images copied from the Complainant’s website. The Respondent registered and used the disputed domain name to confuse Internet users and to divert traffic intended for the Complainant’s website.

The Complainant requests transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires the Complainant to make out all three of the following:

(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 Respondent has registered and is using the disputed domain name in bad faith.

Under paragraph 15(a) of the Rules, "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

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 other terms (here, "shop") may bear on assessment of the second and third elements, the Panel finds the addition of such term[s] 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.

The Panel notes the composition of the disputed domain name, which reflects the Complainant's THUMA trademark preceded by the term "shop", which therefore carries a risk of implied affiliation to the Complainant that cannot constitute fair use. WIPO Overview 3.1, section 2.5.1.

The Panel notes there is no evidence that the Respondent has used the disputed domain name in connection with a bona fide offering of goods or services, nor that the Respondent has been commonly known by the disputed domain name. There is no evidence that the Respondent has made a legitimate noncommercial or fair use of the disputed domain name.

Rather, the record indicates that the disputed domain name has been used for a website purporting to be operated by the Complainant and allegedly offering identical goods for sale. 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 intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark. The disputed domain name was registered more than seven years after the Complainant first registered its THUMA trademark. The disputed domain name reflects the Complainant's mark in its entirety, preceded by the term "shop", which does not distinguish it. Such composition implies a connection to the Complainant, which is underlined by the similarity to the Complainant's own domain name <thuma.co> and the images and statements on the Respondent's website. Under these circumstances, the Panel finds that the disputed domain name was registered in bad faith. WIPO Overview 3.1, section 3.1.

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. The record contains evidence that the disputed domain name resolved to a website featuring the Complainant's mark and purporting to offer for sale the Complainant's products. The website purported to be operated by "Thuma". Such conduct is clearly indicative of bad faith use of the disputed domain name.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitute 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 <shopthuma.shop> be transferred to the Complainant.

/Ingrīda Kariņa-Bērziņa/
Ingrīda Kariņa-Bērziņa
Sole Panelist
Date: October 28, 2026