

ADMINISTRATIVE PANEL DECISION

Sennheiser electronic GmbH & Co. KG v. tanjiancong, tanjiancong
Case No. D2024-3863

1. The Parties

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

The Respondent is tanjiancong, tanjiancong, United States of America (“U.S.”).

2. The Domain Names and Registrar

The disputed domain names <sennheiserconsumeraudiohub.com> and <sennheiserproaudiocenter.com> are registered with Alibaba.com Singapore E-Commerce Private Limited and Web Commerce Communications Limited dba WebNic.cc (the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 22, 2024. On September 23, 2024, the Center transmitted by email to the Registrars requests for registrar verification in connection with the disputed domain names. On September 23 and September 24, 2024, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Domain Admin, Whoisprotection.cc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 30, 2024, providing the registrant and contact information disclosed by the Registrars, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint and an amended Complaint on October 9, 2024.

The Center verified that the Complaint together with the amendment to the Complaint and 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 October 10, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 30, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 31, 2024.

The Center appointed Adam Samuel as the sole panelist in this matter on November 5, 2024. 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.

The Complainant has applied to have its complaints concerning the two disputed domain names mentioned in paragraph 2 of this Decision determined in a single proceeding. The registrant of both disputed domain names appears to be the same. The relevant provisions of paragraph 10 of the Rules reads:

“(a) The Panel shall conduct the administrative proceeding in such manner as it considers appropriate in accordance with the Policy and these Rules....
(c) The Panel shall ensure that the administrative proceeding takes place with due expedition. ...
(e) A Panel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and these Rules.”

There appears to be no reason not to consolidate multiple domain name disputes involving the same parties and two domain names containing the name of the Complainant. The Respondent has not replied to the Complainant’s application which was contained in the Complaint. So, the Panel has concluded that it would be appropriate and lead to the resolution of the matter with due expedition to deal with the two disputes in a single consolidated proceeding.

4. Factual Background

The Complainant was founded in 1945 by Fritz Sennheiser. It specializes in designing and producing a variety of audio products. It owns, among others, a U.S. trademark no. 813211 for the word SENNHEISER, registered on August 16, 1966. The Complainant registered the domain name <sennheiser.com> on April 24, 1996, through which it promotes its products. The disputed domain names were registered on March 25, 2024 and March 22, 2024 respectively.

The first named disputed domain name resolves to a website which contains the Complainant’s SENNHEISER trademark and appears to be selling the Complainant’s audio-related goods, notably headphones. The second-named disputed domain name does not currently resolve to a website although in the past it did, in much the same way as the first-named disputed domain name does presently.

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 names.

Notably, the Complainant contends that the disputed domains incorporate its trademark SENNHEISER and generic elements which relate to the Complainant’s brand. The additional descriptive elements will not be perceived by the relevant public as distinguishing the disputed domain names from the Complainant’s trademark and business.

The Respondent does not appear to have any registered trademarks or tradenames or ordinary names corresponding to the Complainant’s trademark or the disputed domain names. The Complainant has not authorized the Respondent to use the Complainant’s trademark or either of the disputed domain names.

The Respondent is offering goods through the disputed domain names which could be original products of the Complainant or spare parts to them. The significant reductions in price of in the region of 30% compared to the usual prices for the Complainant’s goods suggest that the Respondent is using the disputed domain

names to sell counterfeit goods. The Respondent has not identified the absence of any relationship with the Complainant on its website. It has intentionally attempted to attract Internet users to its websites by creating a likelihood of confusion with the Complainant's name or mark as to the source or sponsorship or affiliation or endorsement of the Respondent's websites or the products offered on these websites.

The Respondent was clearly aware of the Complainant's prior right to its SENNHEISER trademark when the Respondent registered the disputed domain names.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied with respect to the disputed domain names:

- (i) the disputed domain names are 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 names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

A. Identical or Confusingly Similar

The Respondent has registered the disputed domain names incorporating the entirety of the Complainant's distinctive SENNHEISER trademark, followed respectively by the terms "consumeraudiohub" and "proaudiocenter" and in both cases the generic Top-Level Domain ("gTLD") ".com". The gTLD is a standard registration element and thus to be disregarded in the confusing similarity test. If a domain name includes the entirety of a trademark or a dominant feature of the mark, it is generally considered confusingly similar to that trademark for UDRP purposes.

Section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)) says:

"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."

For all these reasons, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

The Respondent is not called "sennheiser" or anything similar. There is no evidence that the Complainant has ever authorised the Respondent to use its trademarks. The Respondent does not appear to have used the disputed domain name for any legitimate purpose. Instead, it appears to be exploiting the Complainant's trademark in seeking to sell the Complainant's goods at a significant undervalue without indicating the absence of any relationship between itself and the Complainant. Here the "descriptive" terms added to the trademark in the disputed domain names in fact are directly related to the Complainant's business and products, which carries a risk of likelihood of confusion.

For these reasons, the Panel concludes that the Complainant has met this element. See section 2.1 of the [WIPO Overview 3.0](#).

C. Registered and Used in Bad Faith

The Respondent's website, to which the first disputed domain name resolves, uses the Complainant's SENNHEISER trademark and purports to sell the Complainant's goods. The screenshots of the website to which the second dispute domain name resolved in the past, filed as an Annex to the Complaint, indicate that the Respondent was using that website in the same way. There appears never to have been any form of commercial or other relationship between the Complainant and the Respondent. The discounts offered on the Respondent's websites suggest that customers ordering them will not receive the promised goods manufactured by the Complainant.

This suggests that the Respondent registered the disputed domain names primarily for the purpose of disrupting the Complainant's business and intentionally attempted to attract, for commercial gain, Internet users to the Respondent's websites by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's websites and the products that it is purporting or has purported to sell using them. This is evidence of registration and use of the disputed domain names 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 names <sennheiserconsumeraudiohub.com>, and <sennheiserproaudiocenter.com> be transferred to the Complainant.

/Adam Samuel/

Adam Samuel

Sole Panelist

Date: November 6, 2024