

## **ADMINISTRATIVE PANEL DECISION**

Sealed Air Corporation (US) v. Peter Grant  
Case No. D2024-4381

### **1. The Parties**

The Complainant is Sealed Air Corporation (US), United States of America (“US”), represented by Nelson Mullins Riley & Scarborough, L.L.P., US.

The Respondent is Peter Grant, US.

### **2. The Domain Name and Registrar**

The disputed domain name <sealedairsales.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 24, 2024. On October 25, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 25, 2024, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 28, 2024, 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 November 1, 2024.

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 November 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 24, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 25, 2024.

The Center appointed Michelle Brownlee as the sole panelist in this matter on November 28, 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.

#### **4. Factual Background**

The Complainant is a corporation organized under the laws of Delaware, US, that was incorporated in 1960 and is headquartered in Charlotte, North Carolina, US. The Complainant has business operations in 45 different countries around the world and has a sales and distribution network that reaches 115 countries. The Complainant is in the business of packaging solutions for food safety and security and product protection.

The Complainant owns the following registrations for the SEALED AIR trademark in the US:

- US Registration Number 925912 for SEALED AIR in connection with cellular cushioning material in sheet form for packaging and other purposes in International Class 16, registered on December 21, 1971;
- US Registration Number 1580890 for SEALED AIR in connection with goods and services in International Classes 1, 3, 7, 10, 11, 16, 17, 20, 22, 35, and 37, registered on February 6, 1990;
- US Registration Number 2534715 for SEALED AIR in connection with polymer film bags, pouches, tubings and connectors for dispensing medical solutions in International Class 10 and films for manufacturing bags, pouches and overwrapping for bags and pouches used for dispensing medical solution in International Class 17, registered on January 29, 2002; and
- US Registration Number 5807074 for SEALED AIR in connection with packaging machines, wrapping machines, sealing machines and parts and accessories therefor, namely, heat tanks and tunnels for shrinking films, bag dispensers, loaders for bags and pouches, heat pouches, heat sealers, scrap winders, conveyors, collators, product in-feeds, product handling units, film feeds, center folders, water removal units and parts for all of the foregoing accessories in International Class 7, registered on July 16, 2019.

The Complainant also states that it has the SEALED AIR trademark registered in other jurisdictions, including Australia, Brazil, European Union, United Kingdom, Israel, Japan, the Republic of Korea, New Zealand, the Russian Federation, and South Africa.

The Respondent registered the disputed domain name on July 2, 2024. The disputed domain name was used on July 26, 2024, to send emails from the email address “[...]@sealedairsales.com” to various suppliers of the Complainant asking for price quotations and impersonating an employee of the Complainant.

#### **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 well-known SEALED AIR trademark, that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the Respondent registered and is using the disputed domain name in bad faith by sending fraudulent communications that misrepresent that the communications originate from the Complainant.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), 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 3.0](#), section 1.7.

Although the addition of other terms here, "sales", 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 3.0](#), 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 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 3.0](#), 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 impersonation of one of the Complainant's employees, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), 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 used the disputed domain name in an email address designed to deceive the receiver of communications from this address into believing that the communication originated from an employee of the Complainant. This constitutes bad faith registration and use of the disputed domain name under paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation of an employee of the Complainant, constitutes bad faith. [WIPO Overview 3.0](#), 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 <sealedairsales.com> be transferred to the Complainant.

*/Michelle Brownlee/*

**Michelle Brownlee**

Sole Panelist

Date: December 12, 2024