

ADMINISTRATIVE PANEL DECISION

Perfetti Van Melle S.p.A. v. Sanne Kessels, PerfettiVanMelle
Case No. D2026-0954

1. The Parties

The Complainant is Perfetti Van Melle S.p.A., Italy, represented by Studio Barbero S.p.A., Italy.

The Respondent is Sanne Kessels, PerfettiVanMelle, Netherlands (Kingdom of the).

2. The Domain Name and Registrar

The disputed domain name <perfettivanmele.com> is registered with Squarespace Domains II LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on March 5, 2026. On March 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 6, 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 (PerfettiVanMelle) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 9, 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 March 10, 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 March 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 5, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 7, 2026.

The Center appointed Simone Huser as the sole panelist in this matter on April 10, 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 manufacturer in the candy and confectionery sector, formed in 2001 with the merger of the Italian-based company Perfetti S.p.A. and the Dutch-based company Van Melle NV. The Complainant has more than 17,000 employees worldwide, with 38 companies operating and 34 manufacturing facilities, distributing its products in over 150 countries.

The Complainant holds the domain name <perfettivanmelle.com>, which is the Complainant's primary web portal to promote its products online.

The Complainant owns several trademark registrations in various jurisdictions, including:

-  , International Trademark Registration No. 775789, registered on November 8, 2001, in international classes 5 and 30;
-  , European Union Trademark Registration No. 000089417, registered on April 30, 1998, in international class 30; and
-  , United States of America Trademark Registration No. 2890724, registered on October 5, 2004, in international classes 5 and 30.

The disputed domain name was registered on October 17, 2023.

According to the evidence submitted with the Complaint, the disputed domain name resolves to an inactive website.

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 as follows:

The disputed domain name is confusingly similar to the registered trademark in which the Complainant has rights, because it incorporates the Complainant's PERFETTI VAN MELLE mark in its entirety, and only differs by the deletion of the letter "i" in the term "melle".

The Respondent has no connection or affiliation with the Complainant, has not been authorized by the Complainant to use this trademark and is not commonly known by the disputed domain name. The Respondent attempted to impersonate the Complainant by indicating an organization identical to the Complainant's company name and trademark PERFETTI VAN MELLE as the registrant's name in the Whois records. There is no evidence of the Respondent's use, or demonstrable preparation to use, the disputed domain name in connection with a bona fide offering of goods and services.

The disputed domain name was registered in bad faith because it is inconceivable that the Respondent did not have the Complainant and its well-known trademark PERFETTI VAN MELLE in mind when it registered the disputed domain name.

The disputed domain name has been redirected to an inactive website. In view of the confusing similarity of the disputed domain name with the Complainant's reputed trademark, company name and domain name, the Respondent's lack of any right or legitimate interests in the disputed domain name, the Respondent's attempt to impersonate the Complainant by indicating "PerfettiVanMelle" as registrant's name in the Whois records, and the implausibility of any good faith use to which the disputed domain name may be put, the Respondent is using the disputed domain name in bad faith by passively holding the disputed domain name.

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 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 Panel finds the mark is recognizable within the disputed domain name which incorporates the obvious misspelling of the PERFETTI VAN MELLE trademark of the Complainant, with the deletion of the letter "l" in the term "melle". This misspelling in the disputed domain name, also referred to as typosquatting, does not prevent a finding of confusing similarity. [WIPO Overview 3.1](#), section 1.9.

Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

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.

There is no evidence in the record that the Respondent is currently using the disputed domain name in connection with a bona fide offering of goods or services, nor does the Respondent appear to engage in any legitimate noncommercial or fair use of the disputed domain name within the meaning of paragraphs 4(c)(i) and (iii) of the Policy. There is no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

The Respondent indicated an organization identical to the Complainant's company name and trademark PERFETTI VAN MELLE as registrant's name in the Whois records.

Panels have held that the use of a domain name for illegitimate activity, such as impersonation/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.

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.

The disputed domain name is a misspelled version of the Complainant's widely used trademark. Under these circumstances, it is most likely that the Respondent was aware of the Complainant's trademark at the registration date of the disputed domain name.

Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Noting the distinctiveness and reputation of the Complainant's trademark, the composition of the disputed domain name and the failure of the Respondent to submit a response, the Panel finds the Respondent's registration and use of the disputed domain name in the circumstances of this case, 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 <perfettivanmele.com> be transferred to the Complainant.

/Simone Huser/

Simone Huser

Sole Panelist

Date: April 22, 2026