

ADMINISTRATIVE PANEL DECISION

CCA and B, LLC v. 张辉 (zhang hui)

Case No. DCC2026-0002

1. The Parties

The Complainant is CCA and B, LLC, United States of America (“United States”), represented by Marq Vision Inc., United States.

The Respondent is 张辉 (zhang hui), China.

2. The Domain Name and Registrar

The disputed domain name <elfontheshelfs.cc> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on February 2, 2026. On February 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 3, 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 (unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 4, 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 in English on February 6, 2026.

On February 4, 2026, the Center informed the Parties in Chinese and English, that the language of the Registration Agreement for the disputed domain name is Chinese. On February 6, 2026, the Complainant confirmed its request that English be the language of the proceeding. The Respondent did not submit any comment on the Complainant’s submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on February 19, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 11, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 12, 2026.

The Center appointed Jonathan Agmon as the sole panelist in this matter on March 16, 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 company incorporated in the United States also doing business under the trade name "The LumiStella Company" and is globally renowned for its flagship holiday brand THE ELF ON THE SHELF. The Complainant's brand has achieved significant recognition worldwide, establishing itself as an iconic cultural staple in the holiday consumer products sector, with millions of families participating in the associated Christmas tradition globally.

The Complainant is the owner of registered trademark rights for THE ELF ON THE SHELF in multiple jurisdictions. The Complainant's trademark registrations include the following:

- United States Registration No. 3,533,459 for THE ELF ON THE SHELF, registered on November 18, 2008; and
- United States Registration No. 7,288,289 for THE ELF ON THE SHELF, registered on January 23, 2024.

The Complainant actively promotes its brands through official websites at "www.elfontheshelf.com" and "www.santaverse.com".

The disputed domain name <elfontheshelfs.cc> was registered on November 21, 2025. At the time of the Complaint, the disputed domain name resolved to a website designed to look like an exact replica of the Complainant's official website at "www.santaverse.com", reproducing the Complainant's 3D animated imagery of Scout Elf and Reindeer characters, specific headlines, and narrative text verbatim from the Complainant's website.

As of February 19, 2026, the website returned a 503 Service Unavailable status and the disputed domain name itself returned a "DNS_PROBE_FINISHED_NXDOMAIN" error.

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:

- (i) The disputed domain name is confusingly similar to the Complainant's THE ELF ON THE SHELF trademark. The disputed domain name incorporates the dominant phrase "elf on the shelf" from the Complainant's mark, with only the omission of the definite article "the" at the start and the addition of the letter "s" as a suffix, together with the country-code Top-Level Domain ".cc". These are negligible variations that do not distinguish the disputed domain name from the Complainant's mark.

- (ii) The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not commonly known by the disputed domain name, has acquired no trademark rights, and has no relationship or affiliation with the Complainant that could give rise to any license or permission. The Respondent is using the disputed domain name to mislead consumers into believing it is the Complainant, for commercial gain.
- (iii) The disputed domain name was registered and is being used in bad faith. Given the worldwide renown of the THE ELF ON THE SHELF trademark, the Respondent must have been aware of the Complainant's rights at the time of registration. The website at the disputed domain name constitutes a deliberate replica of the Complainant's official website, incorporating the Complainant's trademarks, trade dress, and copyrighted content.

B. Respondent

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

6. Discussion and Findings

6.1 Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English, submitting that:

- (i) the disputed domain name is composed exclusively of English words forming a phrase that is distinctive and refers to the Complainant's trademark;
- (ii) the website at the disputed domain name contains words and phrases in English; and
- (iii) the Complainant would be disadvantaged if required to translate the Complaint and supporting evidence into other languages.

The Respondent did not make any submissions with respect to the language of the proceeding.

In exercising its discretion to determine the language of the proceeding, the Panel must act judicially in the spirit of fairness and justice to both parties, having regard to all relevant circumstances including the parties' ability to understand and use the proposed language, and the expense and delays that may result from requiring translation. See WIPO Overview of WIPO Panel Views on Select UDRP Questions (["WIPO Overview 3.1"](#)), section 4.5.1.

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be in English. The Panel does not find any reason in this case for delaying the proceeding or burdening the Complainant with the costs stemming from an order for the Complaint to be translated into Chinese.

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 trademark and the disputed domain name. [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 disputed domain name incorporates the Complainant's THE ELF ON THE SHELF trademark nearly in its entirety. The Complainant's trademark is clearly recognizable within the disputed domain name. The only modifications are the omission of the definite article "the" at the beginning of the phrase and the addition of the letter "s" as a suffix to the word "shelf". UDRP panels have consistently held that the omission of a term such as "the" does not prevent a finding of confusing similarity. The mere pluralization of a mark through the addition of "s" also does not prevent a finding of confusing similarity. [WIPO Overview 3.1](#), sections 1.7 and 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.

Panels have held that the use of a domain name for illegitimate activity, here, claimed as applicable to this case: a copycat site, and 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.

The disputed domain name incorporates the Complainant's THE ELF ON THE SHELF trademark nearly in its entirety. The trademark has been used and registered for many years by the Complainant. It is evident from the content and layout of the Respondent's website that the Respondent knew of and deliberately targeted the Complainant and its trademark at the time it registered the disputed domain name.

Having reviewed the totality of the evidence, the Panel agrees with the Complainant that the Respondent has registered and is using the disputed domain name in bad faith when it presented itself as the Complainant, using the dominant component of the Complainant's trademark, and purportedly offering and promoting goods under the brand of the Complainant. The circumstances of this case fall within that described in paragraph 4(b)(iv) of the Policy.

Further, panels have held that the use of a domain name for illegitimate activity, here, claimed as applicable to this case: a copycat site, and passing off, constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

The fact that the disputed domain name appears to have been taken offline as of the notification of the Complaint on February 19, 2026 does not preclude a finding of bad faith use; the passive holding of a domain name previously used in bad faith may in the circumstances constitute continued bad faith. [WIPO Overview 3.1](#), section 3.3.

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 <elfontheshelfs.cc> be transferred to the Complainant.

/Jonathan Agmon/

Jonathan Agmon

Sole Panelist

Date: March 30, 2026