

## **ADMINISTRATIVE PANEL DECISION**

Perfetti Van Melle S.p.A. v. Yuliya Artamonova  
Case No. D2025-0484

### **1. The Parties**

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

The Respondent is Yuliya Artamonova, Kazakhstan.

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

The disputed domain name <chupachupstoken.com> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 6, 2025. On February 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On February 7, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 10, 2025, 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 February 12, 2025.

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 February 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 6, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 7, 2025.

The Center appointed Ian Lowe as the sole panelist in this matter on March 11, 2025. 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 leading manufacturer of candy and confectionary. It is the product of the merger in 2001 of a company based in the Netherlands (Kingdom of the) whose confectionary business was founded in 1900 and an Italian company whose founders started producing sweets and bonbons in 1946. The Complainant acquired the Spanish Group Chupa Chups in 2006. It now has around 18,200 employees worldwide, with 39 operating companies and 33 manufacturing facilities distributing its products in over 150 countries.

The Complainant and its predecessors have been selling confectionary products, and in particular lollipops, under the CHUPA CHUPS brand since at least 1961. The brand has been supported by global advertising campaigns through television and other media and promoted online via popular social media and through collaborations with famous artists and well-known brands.

The Complainant is the proprietor of several trademark registrations worldwide for CHUPA CHUPS including International trademark number 270077 CHUPA CHUPS registered on May 31, 1963; United States of America trademark number 2205790 CHUPA CHUPS registered on November 24, 1998; and International trademark number 1513843 Chupa Chups figurative mark registered on December 19, 2019 designating a number of territories including Kazakhstan.

The Complainant is also the owner of domain name registrations for CHUPA CHUPS and variations in numerous generic and country code Top-Level Domains, including <chupachups.com>, registered on May 26, 1997.

The Domain Name was registered on June 17, 2024. It currently resolves to a website offered in the English and Russian languages of a company said to have been providing services in the field of cryptocurrency since 2008. The Complainant has produced evidence that previously the Domain Name resolved to a website also available in the Russian and English languages, featuring an altered version of the CHUPA CHUPS lollipop and trademarks, promoting the sale of a cryptocurrency meme coin called "\$CHUPA". The Respondent also created social media accounts with Instagram, X and TikTok with usernames encompassing the CHUPA CHUPS trademark and all featuring altered versions of CHUPA CHUPS trademarks and products.

The Domain Name switched to resolving to the current website following a cease-and-desist letter being sent on behalf of the Complainant.

The Domain Name's zone file is configured with Mail Exchange records (also known as MX records) such that the Domain Name is configured to send and receive email.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends that the Domain Name is confusingly similar to its CHUPA CHUPS trademark (the "Mark"), that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith within the meaning of the Policy.

##### **B. Respondent**

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

## **6. Discussion and Findings**

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

### **A. Identical or Confusingly Similar**

It is well accepted that the first element functions primarily as a standing requirement. The 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.

Based on the available evidence, the Panel finds 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 Domain Name comprises the entirety of the Mark with the addition of the word "token". The Panel finds that this addition does not prevent a finding of confusing similarity between the Domain Name and the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Accordingly, the Panel finds that the first element required under 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. Accordingly, 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.

The Respondent has not used the Domain Name for a bona fide offering of goods or services, but rather for websites promoting cryptocurrency products and services. In the Panel's view, it is impossible to conceive a legitimate purpose for registering a domain name comprising the Mark or any possible justification for the Respondent having registered the Domain Name.

In addition, the nature of the Domain Name, along with its website displaying an altered version of the CHUPA CHUPS lollipop and trademarks, carry a risk of implied affiliation with the Complainant's Mark.

Having reviewed the available evidence, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the 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 Domain Name such as those enumerated in the Policy or otherwise.

The Panel finds that the second element of the Policy has been established.

### **C. Registered and Used in Bad Faith**

In light of the unusual nature of the Mark, its widespread use and promotion over many years, and the use by the Respondent of the entirety of the well-known Mark in the Domain Name, the Panel considers that there is no doubt that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name.

The Panel considers that the Respondent has registered and used the Domain Name to deceive Internet users into believing that the Domain Name is operated or authorized by the Complainant, and to attract Internet users by creating a likelihood of confusion with the Mark, no doubt for commercial gain.

It follows that, based on the available evidence and absent any explanation from the Respondent, 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 Domain Name <chupachupstoken.com> be transferred to the Complainant.

*/Ian Lowe/*

**Ian Lowe**

Sole Panelist

Date: March 25, 2025