

## **ADMINISTRATIVE PANEL DECISION**

Sugar Foods LLC v. Brandon Seppelt  
Case No. D2025-1100

### **1. The Parties**

The Complainant is Sugar Foods LLC, United States of America (“United States”), represented by Greenberg Glusker Fields Claman & Machtinger LLP, United States.

The Respondent is Brandon Seppelt, United States.

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

The disputed domain name <sugarfoodscorp.com> is registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 18, 2025. On March 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 18, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Center sent an email communication to the Complainant on March 21, 2025, providing the registrant and contact information disclosed by the Registrar, and informing the Complainant that the Center will proceed with the formal commencement of the administrative proceeding by March 25, 2025.

The Center verified that 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 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 14, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 16, 2025.

The Center appointed Evan D. Brown as the sole panelist in this matter on April 22, 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 in the business of food and beverage manufacturing. The Complainant does not own any registered trademark for SUGAR FOODS, but it does claim common law rights over the mark based on its exclusive use of the mark since 1948 in connection with its goods and services.

According to the Whois records, the disputed domain name was registered on September 14, 2024. The Respondent has used the disputed domain name to send and receive emails while impersonating the Complainant and a number of its current employees. These email messages purport to be from the Complainant but are not. The email messages also include the Complainant's logo in the signature line. The Complainant asserts that the Respondent is using the disputed domain name in this manner in furtherance of a fraudulent scheme.

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

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

The Complainant contends that the disputed domain name is identical or confusingly similar to the Complainant's trademark; that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

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

The Respondent did not respond 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:

- (i) the disputed domain name is 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 name, and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Panel finds that all three of these elements have been met in this case.

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

This first element functions primarily as a standing requirement. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7. 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. This element requires the Panel to consider two issues: first, whether the Complainant has rights in a relevant mark; and second, whether the disputed domain name is identical or confusingly similar to that mark.

The Complainant asserts common law rights in the SUGAR FOODS trademark, contending that the mark has acquired distinctiveness through continuous and exclusive use in commerce since at least 1948, when the brand was founded. The Complainant asserts that this long-standing use, spanning over seventy-five years, has been accompanied by extensive sales, sustained marketing efforts, and widespread recognition in the food service industry. As evidence of the mark's secondary meaning, the Complainant points to

numerous industry accolades, including being named “Partner of the Year” by the International Foodservice Distributors Association (IFDA) in 2024, 2023, 2022, and 2019; “Innovator of the Year” in 2024, 2023, and 2022; and “Total Overall Winner” in 2023 and 2022. The Complainant further asserts that it received “Outstanding Supplier” from Legacy Foodservice Alliance in 2022 and multiple supplier awards from Performance Foodservice Group and Shamrock Foods between 2015 and 2022. These honors, combined with the Complainant’s decades-long presence in the marketplace and the consistent use of the SUGAR FOODS mark in connection with its products and services, are presented as evidence that the mark enjoys strong recognition and has acquired distinctiveness at common law.

Although the Complainant has not submitted evidence of a registered trademark, it has provided sufficient evidence to establish common law rights in the SUGAR FOODS mark. The Complainant asserts continuous and exclusive use of the mark in commerce since 1948, supported by industry accolades and longstanding market presence. The Panel also notes the conduct of the Respondent impersonating the Complainant which supports a very clear inference that the Respondent did so because it perceived source-identifying capacity in the Complainant’s name and reputation. See [WIPO Overview 3.0](#), section 1.15. Such evidence supports a finding that the SUGAR FOODS mark has acquired distinctiveness through secondary meaning. See [WIPO Overview 3.0](#), section 1.3.

The disputed domain name incorporates the Complainant’s SUGAR FOODS mark in its entirety, adding only the term “corp.” The addition of such a term does not prevent a finding of confusing similarity. See [WIPO Overview 3.0](#), section 1.8. The SUGAR FOODS mark remains clearly recognizable within the disputed domain name.

It is standard practice when comparing a disputed domain name to a complainant’s trademarks, to not take the applicable Top-Level Domain (“TLD”) into account. See [WIPO Overview 3.0](#) at 1.11.1.

The Panel finds that the Complainant has established this first element under the Policy.

## **B. Rights or Legitimate Interests**

The Panel evaluates this element of the Policy by first looking to see whether the Complainant has made a prima facie showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes that showing, the burden of production of demonstrating rights or legitimate interests shifts to the Respondent (with the burden of proof always remaining with the Complainant). See [WIPO Overview 3.0](#), section 2.1; *AXA SA v. Huade Wang*, WIPO Case No. [D2022-1289](#).

On this point, the Complainant asserts, among other things, that: (1) the Respondent is not known by and has never been known by the disputed domain name; (2) the Respondent has not used, nor made preparations to use, the disputed domain name in connection with any bona fide offering of goods or services; and (3) the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. Instead, the Respondent is using the disputed domain name to perpetuate a fraud against unsuspecting third parties by impersonating the Complainant and relying on the Complainant’s goodwill.

The Panel finds that the Complainant has made the required prima facie showing. The Respondent has not presented evidence to overcome this prima facie showing. And nothing in the record otherwise tilts the balance in the Respondent’s favor. The use of a domain name for illegal activity such as impersonation or passing off, phishing or other types of fraud can never confer rights or legitimate interests on a respondent. See *Société des Produits Nestlé S.A. v. Great Homes, jobs-nestle.com*, WIPO Case No. [D2024-2911](#); [WIPO Overview 3.0](#), section 2.13.1.

Accordingly, the Panel finds that the Complainant has established this second element under the Policy.

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

The Policy requires a complainant to establish that the disputed domain name was registered and is being used in bad faith.

In this case, the Complainant has provided evidence that the Respondent has used the disputed domain name to send and receive emails while impersonating the Complainant and its employees. These emails purport to be from the Complainant and use the Complainant's logo, indicating an attempt to deceive recipients and lend an air of legitimacy to the communications. Such conduct is indicative of a phishing scheme aimed at fraudulently misrepresenting the Complainant for illicit purposes.

Phishing and impersonation are well-established examples of bad faith under the Policy. See [WIPO Overview 3.0](#), section 3.4. The deliberate attempt to mislead third parties into believing that emails are coming from the Complainant, in an effort to fraudulently exploit the Complainant's brand and reputation, constitutes clear evidence of bad faith registration and use.

The Panel therefore finds that the Complainant has established this third element under 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 <sugarfoodscorp.com> be transferred to the Complainant.

*/Evan D. Brown/*

**Evan D. Brown**

Sole Panelist

Date: May 6, 2025