

## **ADMINISTRATIVE PANEL DECISION**

Sugar Foods LLC v. Samson Davies

Case No. D2025-2420

### **1. The Parties**

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

Respondent is Samson Davies, USA.

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

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

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 18, 2025. On June 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. That same day, 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 (Unknown Registrant/John Doe) and contact information in the Complaint. The Center sent an email communication to Complainant on June 20, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on June 21, 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 Respondent of the Complaint, and the proceedings commenced on June 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 15, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on July 16, 2025.

The Center appointed Harrie R. Samaras as the sole panelist in this matter on July 18, 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**

Complainant supplies private-label and branded, retail, and foodservice customers with a variety of packaged food products from sugars, sweeteners, and creamers to croutons, nuts, and dried fruits to juice concentrates and smoothie mixes. In 2023, Complainant underwent a merger and entity conversion whereby its corporate name changed from Sugar Foods Corporation to Sugar Foods LLC, however, Complainant maintained the “Sugar Foods” name and has consistently used the SUGAR FOODS Mark (or the “Mark”) and tradename since 1948 in connection with its goods and services. Complainant has over 1,400 employees throughout the USA and Mexico and its customers span North America.

The Domain Name was registered on May 16, 2025. Respondent has used the Domain Name, the Mark, Complainant’s logo, and other business information of Complainant and its employees (e.g., its former name and address, its United States tax-related Employer Identification Number (“EIN”), and the names of its employees) for fraudulent activities – to mislead third-party transport companies into believing that Complainant was seeking to purchase/rent from them certain transport products/services on credit. The Domain Name does not otherwise resolve to an active website.

#### **5. Parties’ Contentions**

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

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that it owns and controls all rights in and to the SUGAR FOODS Mark and that the Mark has acquired distinctiveness at common law. As support, Complainant points to evidence showing its continuous use of the Mark since 1948 through recognition in the food service industry with a variety of awards (discussed below). Further, Complainant claims that the Domain Name is confusingly similar to the Mark because it wholly incorporates the Mark and it is substantially the same as Complainant’s entity name before the merger and entity conversion in 2023 – Sugar Foods Corporation.

Complainant is informed and believes that Respondent: (1) is not known by and has never been known by the Domain Name nor did it ever have any independent intellectual property rights relating to the Domain Name; has not used, nor made preparations to use, the Domain Name in connection with any bona fide offering of goods and services, rather Respondent is using the Domain Name to perpetuate a fraud against unsuspecting third parties by relying on the strong recognition and good reputation of Complainant’s name and Mark. Furthermore, Complainant argues that Respondent’s use of the Domain Name is misleading and intended to create a false impression with third parties that Respondent is acting on behalf of Complainant and, moreover, Respondent is not making a legitimate noncommercial or fair use of the Domain Name because Respondent is trying to induce the third parties to extend credit to Respondent under the false belief that they are extending credit to Complainant.

Complainant contends that Respondent’s registration and use of the Domain Name is in bad faith because it was and continues to be to fraudulently induce and/or attempt to induce unsuspecting third parties into extending credit for certain products/services under the false belief that they were/are extending credit for those products/services to Complainant.

## **B. Respondent**

Respondent did not reply to 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 Complainant's Mark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

Complainant claims common law rights in the SUGAR FOODS Mark, asserting that the Mark has acquired distinctiveness through continuous and exclusive use in commerce since at least 1948, when the brand was founded. Complainant maintains that this use of over seventy-five years, has been accompanied by extensive sales, sustained marketing efforts, and widespread recognition in the food service industry. Evidencing the Mark's secondary meaning, Complainant points to numerous industry accolades spanning multiple years (2015 to 2024), including being named by the International Foodservice Distributors Association as: "Innovator of the Year"; "Supply Chain Leader"; and "Total Overall Winner". Other industry recognition includes "Supplier of the Year" from Performance Foodservice Group, and "Supplier of the Year", "Dry Grocery Supplier of the Year" from Shamrock Foods. These honors, reflecting the consistent use of the Mark in connection with Complainant's products and services for many years are presented as evidence that the Mark enjoys strong recognition and has acquired distinctiveness at common law.

The Panel finds Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3.

The Panel finds the Mark is recognizable within the Domain Name. Omitting the letter "s" in "foods" and adding "corp" does not prevent a finding of confusing similarity for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.9 (misspellings).

The applicable Top Level Domain ("TLD") in a domain name (here, ".com") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. See [WIPO Overview 3.0](#), section 1.11.1.

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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name including that Respondent: (1) has not been commonly known by the Domain Name nor has it had any rights to the Domain Name; (2) has not used, nor made preparations to use, the Domain Name in connection with any bona fide offering of goods and services; and (3) is not making a legitimate noncommercial or fair use of the Domain Name because Respondent is trying to induce third-party transport companies to extend credit to Respondent under the false belief they are extending credit to Complainant. Respondent has not rebutted 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.

Panels have held that the use of a domain name for illegitimate and illegal activities here, claimed as applicable to this case: impersonation/passing off and fraud, 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 Respondent registered as a domain name Complainant's Mark which had been in use for many years before Respondent registered the Domain Name, and in which Respondent has no rights, merely omitting the letter "s" and adding the descriptive term "corp". On that basis alone, the Panel could conclude that it is more likely than not that Respondent knew of Complainant and its rights in the SUGAR FOODS Mark before registering the Domain Name. However, the evidence here leaves no doubt that Respondent knew of Complainant and its rights in the Mark before registering and using the Domain Name to defraud third parties. Indeed, Respondent relied on the recognition and reputation of Complainant's name and Mark, Complainant's logo, and business information unique to Complainant to create a false impression with third-party transport companies that Respondent was Complainant seeking credit from them to use their services. In fact, on one of the applications to establish an account with the third party, in response to a question ("Date Business Est.") Respondent indicated that Complainant was established in 1948. Thus, Respondent's impersonation of Complainant is further evidence of Respondent's bad faith registration of the Domain Name.

Panels have held that the use of a domain name for illegitimate and illegal activities, here, claimed as applicable to this case: impersonation/passing off and fraud, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds Respondent's registration and use of the Domain Name constitutes bad faith under the Policy.

The Panel finds that 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 <sugarfoodcorp.com> be transferred to Complainant.

*/Harrie R. Samaras/*

**Harrie R. Samaras**

Sole Panelist

Date: July 24, 2025