

ADMINISTRATIVE PANEL DECISION

Shamrock Foods Company v. Win Matt
Case No. D2025-2439

1. The Parties

The Complainant is Shamrock Foods Company, United States of America ("United States"), represented by Polsinelli PC, United States.

The Respondent is Win Matt, United States.

2. The Domain Name and Registrar

The disputed domain name <shamrockfoodsinc.com> ("Disputed 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 19, 2025. On June 20, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On June 21, 2025, 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 (Redacted for Privacy/Privacy Service Provided by Withheld for Privacy Ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 23, 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 amended Complaint on June 25, 2025.

The Center verified that the Complaint together with the amended 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 June 25, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 15, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 17, 2025.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on July 21, 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 was founded in 1922 and manufactures and distributes food and food-related products, dairy, and foodservice, specifically including delivery of the Complainant products to vendors. For over fifty-five years the Complainant has used and continues to use the SHAMROCK FOODS trademark (and variations thereof) prominently in connection with its goods and services in the United States and in other countries.

The Complainant maintains a website at the domain name <shamrockfoods.com>.

The Complainant has continually used the SHAMROCK FOODS trademark in commerce for many years. The Complainant owns registrations for trademarks that contain the SHAMROCK FOODS marks throughout the world, including the following United States registrations:

SHAMROCK FOODS COMPANY Registration Number 1618160, Registered October 16, 1990, for distributorship services relating to food products and non-food products used in the food service industry by institutional users,"

SHAMROCK FOODS COMPANY and Design Registration Number 1629594, Registered December 25, 1990, for distributorship services relating to food products and non-food products used in the food service industry by institutional users

The Disputed Domain Name, <shamrockfoodsinc.com>, was registered February 1, 2025. The Disputed Domain Name has been used to send communications to third parties.

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 the Disputed Domain Name is confusingly similar to the Complainant's distinctive and well-known SHAMROCK FOODS trademarks within the meaning of paragraph 4(a)(i) of the Policy. The Disputed Domain Name is nearly identical to the Complainant's well-known SHAMROCK FOODS trademarks. The Disputed Domain Name incorporates the Complainant's well-known SHAMROCK FOODS trademarks, only adding the generic term "inc" after the term "foods" in the domain name itself in order to help impersonate the Complainant's <shamrockfoods.com> domain name (<shamrockfoods.com> vs. <shamrockfoodsinc.com>). Merely adding the generic term "inc" does not dispel the confusing similarity of the Disputed Domain Name to Shamrock's trademarks or its corporate domain name.

The Respondent has never been commonly known by the Disputed Domain Name. The Disputed Domain Name is not derived from the Respondent's name. The only use the Respondent has for the Disputed Domain Name is to continue its fraudulent scheme to masquerade as the Complainant. The Respondent's intentional male fide use of the Disputed Domain Name further precludes any claim by the Respondent to have been commonly known by the Disputed Domain Name

The Respondent has no rights or legitimate interests in the Disputed Domain Name. The Respondent's primary interest in the Disputed Domain Name is to abuse its similarity with the Complainant's corporate domain name (<shamrockfoods.com>) for the purposes of engaging in a phishing and spoofing scheme. By registering a domain name confusingly similar to the Complainant's well-known SHAMROCK FOODS trademark, it is quite clear that the Respondent acquired the Disputed Domain Name for the sole purpose of exploiting the Complainant's rights, title, interest and goodwill in the SHAMROCK FOODS trademark through the perpetration of a phishing and spoofing scheme to defraud. The Respondent registered the Disputed Domain Name in order to make false representations of Respondent's association with the Complainant to unsuspecting vendors and by impersonating the Complainant or to benefit from misdirected users visiting its parked website. Respondent has established MX records that can be used to send and receive email using the deceptive Disputed Domain Name that is nearly identical to the Complainant's SHAMROCK FOODS trademarks and its <shamrockfoods.com> domain name.

It is clear from the relevant circumstances that the Respondent was well aware of the Complainant and had the SHAMROCK FOODS trademarks firmly in mind when registering the Disputed Domain Name. The record reveals that the Respondent's sole motivation in relation to the registration and use of the Disputed Domain Name was to capitalize on or otherwise take advantage of the Complainant's trademark rights, in furtherance of a spoofing scheme sought to be perpetrated on the Complainant and the Complainant's vendors.

In view of the composition of the Disputed Domain Name, which incorporates the Complainant's trademarks in its entirety, it must be inferred that the Respondent was aware of the Complainant's existence at time of the registration of the Disputed Domain Name. There can be no doubt that the Respondent is making a non-legitimate use of the Disputed Domain Name, with intent for commercial gain by false association, mistake, or deception. Such behavior cannot be regarded as a legitimate or fair use of 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

The Complainant has demonstrated it owns registered trademark rights in the SHAMROCK FOODS COMPANY mark. The Panel finds the mark is recognizable within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions Third Edition ("[WIPO Overview 3.0](#)"), section 1.7. The addition of the term "inc" does not prevent a finding of confusing similarity. See section 1.8 of the [WIPO Overview 3.0](#).

Accordingly, the disputed domain name is confusingly similar to a mark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has presented a prima facie case that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and has not been commonly known by the disputed domain name. The fact that the Respondent obtained the disputed domain name which incorporated the Complainant's federally registered SHAMROCK FOODS COMPANY trademark and merely adds the term "inc" to the Complainant's primary domain name <shamrockfoods.com> indicates that the Respondent likely sought to piggyback on the mark for illegitimate reasons, namely, to engage in a phishing scheme targeting customers of the Complainant (an inference supported by the Complainant's evidence and not denied by the Respondent).

After a complainant has made a prima facie case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

Here, the Respondent has provided no evidence of any rights or legitimate interests in the Disputed Domain Name. Regardless, the use of a domain name for illegal activity can never confer rights or legitimate interests upon a respondent. [WIPO Overview 3.0](#), section 2.13.

In the absence of any evidence rebutting the Complainant's prima facie case indicating the Respondent's lack of rights or legitimate interests in respect of the Disputed Domain Name, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Disputed Domain Name was registered years after the Complainant first used its marks. The evidence provided by the Complainant makes it clear that the Respondent undoubtedly knew of the Complainant's marks and knew that it had no rights or legitimate interests in the Disputed Domain Name when it registered the Disputed Domain Name.

There is no apparent benign reason for the Respondent to have registered the Disputed Domain Name that is a variant of the Complainant's marks.

Further, the use of the Disputed Domain Name by the Respondent is in bad faith. Paragraph 4(b)(iv) states that evidence of bad faith may include a respondent's use of a domain name to intentionally attempt to attract, for commercial gain. The Complainant has alleged and provided evidence that the Respondent used the Disputed Domain Name to send fraudulent emails to its customers impersonating the Complainant to scam the Complainant's customers. Panels have held that the use of a domain name for illegal activity here, claimed phishing, and impersonation/passing off, on constitutes bad faith. See [WIPO Overview 3.0](#), section 3.4.

Accordingly, the Panel finds that the Disputed Domain Name has been registered and is being used in bad faith.

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 <shamrockfoodsinc.com> be transferred to the Complainant.

/Colin T. O'Brien/

Colin T. O'Brien

Sole Panelist

Date: August 4, 2025