

## **ADMINISTRATIVE PANEL DECISION**

Shamrock Food Company v. Good News, Markate  
Case No. D2025-3499

### **1. The Parties**

Complainant is Shamrock Food Company, United States of America (“United States”), represented by Polsinelli PC, United States.

Respondent is Good News, Markate, United States.

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

The disputed domain name <sharmrockfoods.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 August 28, 2025. On August 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 1, 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 (Redacted for Privacy, Privacy services provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on September 1, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on September 6, 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 Respondent of the Complaint, and the proceedings commenced on September 8, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 28, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 29, 2025.

The Center appointed Kimberley Chen Nobles as the sole panelist in this matter on October 6, 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, founded in 1922, manufactures and distributes food and food-related products, dairy, and foodservice, and uses the SHAMROCK FOODS COMPANY trademark (and variations thereof) in connection with its goods and services in the United States and in other countries. Complainant owns and operates its website at “www.shamrockfoods.com”.

Complainant also owns numerous registered trademarks for the SHAMROCK FOODS mark including:

- United States registered trademark number 1618160 for the SHAMROCK FOODS COMPANY word mark, registered on October 16, 1990;
- United States registered trademark number 1629594 for the SHAMROCK FOODS COMPANY design and word mark, registered on December 25, 1990; and
- United States registered trademark number 5623945 for the RESTAURANT 360 BY SHAMROCK FOODS COMPANY word mark, registered on December 4, 2018.

Complainant also owns and operates its website at “shamrockfoods.com”. The dominant terms of Complainant’s trademarks comprise the SHAMROCK FOODS mark.

The Domain Name was registered on April 21, 2025. At the time of filing of the Complaint, the Domain Name resolved to a parked page. The record shows that email communications capabilities based on the Domain Name were used in a fraudulent scheme to direct Complainant’s vendors into payment to Respondent.

#### **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 (i) the Domain Name is confusingly similar to Complainant’s trademarks; (ii) Respondent has no rights or legitimate interests in the Domain Name; and (iii) Respondent registered and is using the Domain Name in bad faith.

In particular, Complainant contends that it has trademark registrations for SHAMROCK FOODS and that Respondent registered and is using the Domain Name with the intention to confuse Internet users looking for bona fide and well-known SHAMROCK FOODS products and services.

Complainant notes that it has no affiliation with Respondent, and that Respondent is posing as Complainant, by using the Domain Name to set up email addresses that pass off as Complainant, and to use email communications associated with the Domain Name to pose as Complainant, seeking for payment from Complainant’s vendors.

Complainant further contends that Respondent is using the Domain Name as a tool to exploit Complainant’s reputation for its own commercial gain, and that Respondent has no rights or legitimate interests in the

Domain Name. Further, Complainant contends that Respondent has acted in bad faith in acquiring and setting up the Domain Name, when Respondent clearly knew of Complainant's rights.

## **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, to succeed Complainant must satisfy the Panel that:

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

Section 4.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") states that failure to respond to the complainant's contentions would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true.

Thus, although in this case, Respondent has failed to respond to the Complaint, the burden remains with Complainant to establish the three elements of paragraph 4(a) of the Policy by a preponderance of the evidence.

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

Ownership of a trademark registration is generally sufficient evidence that a complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy. See [WIPO Overview 3.0](#), section 1.2.1.

Complainant has provided evidence of its rights in the SHAMROCK FOODS COMPANY trademarks, as noted above under section 4. The dominant terms of Complainant's trademarks comprise "SHAMROCK FOODS". The record shows that in addition to its registered trademarks, Complainant owns and operates its business as SHAMROCK FOODS and has acquired common law trademark rights through its use. Complainant has therefore proven that it has the requisite rights in the SHAMROCK FOODS and SHAMROCK FOODS COMPANY (collectively "SHAMROCK FOODS trademarks").

With Complainant's rights in the SHAMROCK FOODS trademarks established, the remaining question under the first element of the Policy is whether the Domain Name, typically disregarding the Top-Level Domain ("TLD") in which it is registered (in this case, ".com"), is identical or confusingly similar to Complainant's trademark. See, e.g., *B & H Foto & Electronics Corp. v. Domains by Proxy, Inc. / Joseph Gross*, WIPO Case No. [D2010-0842](#).

Here, the Domain Name is confusingly similar to Complainant's SHAMROCK FOODS trademarks. The SHAMROCK FOODS trademarks are recognizable in the Domain Name.

In particular, the Domain Name's inclusion of Complainant's SHAMROCK FOODS trademark in its entirety, with an addition of a letter "r" between the letters "a" and "m" in the trademark, which can be considered an intentional misspelling of the Complainant's trademarks, and the absence of "company" in regard to the SHAMROCK FOODS COMPANY mark does not prevent a finding of confusing similarity between the Domain Name and the SHAMROCK FOODS trademarks respectively. [WIPO Overview 3.0](#), sections 1.8 and 1.9.

Thus, the Panel finds that Complainant has satisfied the first element of the Policy.

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

Under paragraph 4(a)(ii) of the Policy, a complainant must make a prima facie showing that a respondent possesses no rights or legitimate interests in a disputed domain name. See, e.g., *Malayan Banking Berhad v. Beauty, Success & Truth International*, WIPO Case No. [D2008-1393](#). Once a complainant makes out such a prima facie showing, the burden of production shifts to the respondent, though the burden of proof always remains on the complainant. If the respondent fails to come forward with relevant evidence showing rights or legitimate interests, the complainant will have sustained its burden under the second element of the UDRP.

From the record in this case, it is evident that Respondent was, and is, aware of Complainant and its SHAMROCK FOODS trademarks, and does not have any rights or legitimate interests in the Domain Name. In addition, Complainant asserts that Respondent is not authorized to promote Complainant's goods or services and is not related to Complainant. Respondent is also not known to be associated with the SHAMROCK FOODS trademarks and there is no evidence showing that Respondent has been commonly known by the Domain Name.

In addition, Respondent has not used the Domain Name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use. Rather, at the time of filing of the Complaint, Respondent had used the Domain Name to imitate Complainant and its SHAMROCK FOODS brand to use email communications capabilities to pass itself off as Complainant, including the use of Complainant's registered design and word trademarks, fraudulently listing its email address as "@shamrockfoods.com" within the body of the emails and requesting Complainant's vendors to redirect payments legitimately owed to Complainant, to Respondent. UDRP panels have consistently held that use of a domain name for illegal activity — such as impersonation or passing off — can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Accordingly, Complainant has provided evidence supporting its prima facie claim that Respondent lacks any rights or legitimate interests in the Domain Name. Respondent has failed to produce countervailing evidence of any rights or legitimate interests in the Domain Name.

Thus, the Panel concludes that Respondent does not have any rights or legitimate interests in the Domain Name, and Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

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

The Panel finds that Respondent's actions indicate that Respondent registered and is using the Domain Name in bad faith.

Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances indicating bad faith registration and use on the part of a domain name registrant, namely:

"(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your website or location or of a product or service on your website or location."

The Panel finds that Complainant has provided ample evidence to show that registration and use of the SHAMROCK FOODS trademarks long predate the registration of the Domain Name. Complainant is also well established and known. Indeed, the record shows that Complainant's SHAMROCK FOODS trademarks and related products and services are widely known and recognized. Therefore, the Panel is of the view that Respondent was aware of the SHAMROCK FOODS trademarks when it registered the Domain Name. See [WIPO Overview 3.0](#), section 3.2.2; see also *TTT Moneycorp Limited v. Privacy Gods / Privacy Gods Limited*, WIPO Case No. [D2016-1973](#).

The Panel thus finds that Respondent's awareness of Complainant's trademark rights at the time of registration suggests bad faith. See *Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz*, WIPO Case No. [D2011-2209](#); *Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite*, WIPO Case No. [D2001-1070](#); and *BellSouth Intellectual Property Corporation v. Serena, Axel*, WIPO Case No. [D2006-0007](#).

Further, the composition of the Domain Name, which includes Complainant's SHAMROCK FOODS trademark and an additional letter "r" suggests Respondent's actual knowledge of Complainant's rights in the SHAMROCK FOODS trademarks at the time of registration of the Domain Name and its effort to opportunistically capitalize on the registration and use of the Domain Name.

Moreover, Respondent registered and is using the Domain Name to confuse, mislead and defraud Complainant's vendors so as to intercept and redirect payment to Complainant by its vendors. In particular, at the time of filing of the Complaint, Respondent had used the Domain Name to impersonate Complainant and its SHAMROCK FOODS brand to enable email communications capabilities to pass itself off as Complainant, including the use of Complainant's registered design and word trademarks, fraudulently listing its email address as "@shamrockfoods.com" within the body of the emails and requesting Complainant's vendors to redirect payments legitimately owed to Complainant, to Respondent. UDRP panels have consistently held that Respondent's use of the Domain Name to trade off goodwill in Complainant's well-known trademark and impersonate Complainant constitutes bad faith. See *Philip Morris Products S.A. v. homn mohmoodi*, WIPO Case No. [D2022-4158](#).

Further, the Panel also notes the failure of Respondent to submit a response.

Accordingly, the Panel finds that Respondent registered and is using the Domain Name in bad faith and Complainant succeeds under the third element of paragraph 4(a) 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 <shamrockfoods.com> be transferred to Complainant.

*/Kimberley Chen Nobles/*

**Kimberley Chen Nobles**

Sole Panelist

Date: October 20, 2025