

## **ADMINISTRATIVE PANEL DECISION**

Perfetti Van Melle S.p.A. v. larry smoke  
Case No. D2025-3830

### **1. The Parties**

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

The Respondent is larry smoke, Japan.

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

The disputed domain name <perfetivanmelle.com> is registered with Hostinger Operations, UAB (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 19, 2025. On September 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 23, 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 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 September 26, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 17, 2025.

The Center appointed Gordon Arnold as the sole panelist in this matter on October 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 is the owner of several trademark registrations worldwide for PERFETTI VAN MELLE and PERFETTI, including the following:

- International Trademark Registration No. 775789 registered on November 8, 2001, in classes 5 and 30, designating many countries including but not limited to Japan where the Respondent is located;
- European Union Trademark Registration No. 000089417, filed on April 1, 1996, and registered on April 30, 1998, in class 30;
- United States of America ("United States") Trademark Registration No. 2890724 filed on December 10, 2001, and registered on October 5, 2004, in international classes 5 and 30.

The Complainant's parent company (Perfetti Van Melle Benelux B.V.) is also the owner of trademark registrations for VAN MELLE, including:

- United States Trademark Registration No. 834077 filed on April 5, 1966, and registered on August 22, 1967, in international classes 1, 5, 29, 30, 31, 32;
- European Union Trademark Registration No. 000117457 for VAN MELLE (word mark), filed on April 1, 1996, and registered on June 22, 1998, in class 30 (Annex 3.5).

The Complainant is one of the world's leading manufacturers in the candy and confectionery sector, formed in 2001 with the merger of the Italian-based company Perfetti S.p.A. and the Dutch-based company Van Melle NV.

Perfetti Van Melle has about 18,200 employees worldwide, with 39 operating companies and 33 manufacturing facilities, distributing their products in over 150 countries. Its key brands include MENTOS, CHUPA CHUPS, ALPENLIEBE, FRISK, VIVIDENT, FRUITELLA, BIG BABOL, AIRHEADS, SMINT, GOLIA, DAYGUM, HAPPYDENT and MOROSITAS.

Sales data of the Complainant were 3 billion Euro worldwide in 2022, 67% of which related to candies and 33% to chewing gum.

The Complainant is also the owner of domain name registrations for PERFETTI VAN MELLE and variations thereof in numerous generic Top Level Domains ("gTLDs") and country code Top Level Domains ("ccTLDs"), including <perfettivanmelle.com>, registered on July 3, 2002, in the name of the Group parent company Perfetti Van Melle Benelux B.V.

The website at "www.perfettivanmelle.com" is the primary web portal used by the Complainant to promote its products online.

The disputed domain name <perfetivanmelle.com> was registered by Respondent, on July 29, 2025, without any authorization from the Complainant.

When the Complainant became aware of the disputed domain name, it was redirected to a Registrar parking page.

At the time of filing of the Complaint, the disputed domain name was being redirected to an inactive website and has since then been suspended.

On August 14, 2025, the Shield Company replied to the data disclosure request sent by the Complainant's representative, confirming to have started verifications and, shortly after, on the same day, it indicated to have disabled the privacy service for the disputed domain name <perfetivanmelle.com> (Annex 14.5 of the Complaint).

Thereafter, the Complainant's representative sent the Cease-and-Desist letter also directly to the Respondent.

The Respondent failed to provide a response.

By August 20, 2025, the Complainant had been notified that some of the Complainant's employees had been victims of a cyberattack performed through the use of an email address, impersonating the Complainant's Credit Collections Manager.

The Complainant then sent an email communication to the Registrar, requesting the suspension of the disputed domain name (Annex 16.5 of the Complaint) and submitting copy of the headers of the fraudulent email.

The Registrar provided for the suspension of the disputed domain name placing it in the "ClientHold" status.

The Complainant's representative verified that a previous redirection of the disputed domain name and the MX records had been deactivated.

## **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 reply to the Complainant's contentions.

## **6. Discussion and Findings**

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name based on the facts listed above. The Respondent's failure to respond leaves the Panel with no choice other than to decide the dispute based on the Complaint. The Panel may draw such inferences from the Respondent's default as it considers appropriate.

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

Whether the disputed domain name is identical or confusingly similar to the Complainant's rights is the first element. It 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.

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 disputed domain name includes the Complainant's trademark PERFETTI VAN MELLE except for the removal of one of the "t" letters from "Perfetti".

According to Section 1.9 of the [WIPO Overview 3.0](#), "A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for purposes of the first element".

Based on the above, 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 3.0](#), section 1.7.

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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Further, it is undisputed that the disputed domain name was used for fraudulent purposes and that the disputed domain name was used to impersonate Complainant’s credit collections manager in the email sent to the Complainant’s employees.

The use of a domain name for impersonation or other types of 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**

For the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy lists circumstances, without limitation, which if present, are evidence of the registration and use of a domain name in bad faith.

Relevant circumstances indicating that the Respondent’s intent in registering the disputed domain name was to profit in some fashion from or otherwise exploit the Complainant’s trademark include:

- the Respondent’s likely knowledge of the Complainant’s rights,
- the distinctiveness of the Complainant’s mark, and
- failure of the Respondent to present a credible evidence-backed rationale for registering the disputed domain name.

[WIPO Overview 3.0](#), section 3.1.1.

The Panel is persuaded that the above circumstances have been established by the undisputed history of widespread and very long use of the Complainant’s trademarks, the arbitrary relationship between the mark and the Complainant’s goods and services, and the Respondent’s failure to respond to the Complaint.

Other relevant circumstances include:

- the nature of the domain name (e.g., a typo of a widely-known mark),
- a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent's choice of the disputed domain name, and
- other indicia generally suggesting that the respondent had somehow targeted the complainant.

[WIPO Overview 3.0](#), section 3.2.1.

Here, with the establishment of the Respondent's knowledge of the Complainant's rights, the most reasonable conclusion the Panel draws from the Respondent's change in spelling of the trademark is that the Respondent intentionally changed the spelling without substantially changing the impression left on the public regarding the similarity of the disputed domain name to the trademark. Next, there is no evidence of any rights or legitimate interests by the Respondent nor any explanation for its choice in the disputed domain name. Further, the Panel is persuaded that the impersonation of an employee of the Complainant is "other indicia" of an attempt to target the Complainant.

Panels have held that the use of a domain name for illegitimate activity constitutes bad faith.

[WIPO Overview 3.0](#), section 3.4. Here, it is undisputed there was impersonation of the Complainant's employee by email using the disputed domain name.

Based on the totality of the above, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 disputed domain name <perfetivanmelle.com> be transferred to the Complainant.

*/Gordon Arnold/*

**Gordon Arnold**

Sole Panelist

Date: October 30, 2025