

ADMINISTRATIVE PANEL DECISION

Hershey Canada Inc. v. Tregubov Stanislav, Tregubov Stanislav
Case No. D2025-4040

1. The Parties

The Complainant is Hershey Canada Inc., Canada, represented by Arnold & Porter Kaye Scholer LLP, United States of America (“United States”).

The Respondent is Tregubov Stanislav, Tregubov Stanislav, Ukraine.

2. The Domain Name and Registrar

The disputed domain name <brookside-chocolate.com> (the “Domain Name”) is registered with DreamHost, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 2, 2025. On October 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On October 3, 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 (Proxy Protection LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 6, 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 October 10, 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”).

On October 9, 2025, the Respondent sent an email communication agreeing to transfer the Domain Name to the Complainant and requesting termination of the proceeding. On October 15, 2025, the Center sent an email communication to the Parties explaining the option to suspend the proceeding for settlement. On October 29, 2025, the Complainant requested that the proceeding continue.

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on October 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 20, 2025. As noted above, the Respondent sent an email communication to the Center on October 9, 2025. However, the Respondent did not file any formal Response. Accordingly, the Center notified the commencement of panel appointment process on November 21, 2025.

The Center appointed Piotr Nowaczyk as the sole panelist in this matter on November 26, 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 a manufacturer and seller of chocolate, confectionery products, and snack items. Its product range includes various types of chocolate and confectionery goods, along with related products. Among the Complainant's product lines are chocolate and confectionery items that are marketed and sold under the BROOKSIDE trademark.

The Complainant is the owner of the United States Trademark Registration for BROOKSIDE (combined) No. 5560908, registered on September 11, 2018.

Moreover, the Complainant owns the domain name <hersheyland.com>, which it uses to host a website that provides information to the public about BROOKSIDE-branded products and on which the BROOKSIDE trademark is prominently featured.

The Domain Name was registered on May 10, 2025.

At the time of submitting the Complaint, the Domain Name resolved to a website displaying the Complainant's BROOKSIDE trademark and what appear to be the Complainant's official marketing materials, including the official BROOKSIDE product images (the "Website"). The Website claimed to be the "Brookside Chocolate Official Website" and featured buttons such as "check price", "shop (US)", "shop (CA)", and "shop (UK)".

As of the date of this Decision, the Domain Name does not resolve to any active website.

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 Domain Name.

First, the Complainant contends that the Domain Name is confusingly similar to the trademark in which the Complainant has rights.

Second, the Complainant argues that the Respondent has neither rights nor legitimate interests in the Domain Name.

Third, the Complainant submits that the Domain Name was registered and is being used in bad faith.

B. Respondent

The Respondent did not submit an official Response replying to the Complainant's contentions.

On October 9, 2025, the Respondent sent an email communication stating that the Website was intended as a consumer resource linking users to official BROOKSIDE product listings, that the Respondent did not intend to harm the Complainant, and that the Respondent was willing to voluntarily transfer the Domain Name to the Complainant.

6. Discussion and Findings

6.1. Procedural Issue – Location of the Respondent

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceedings take place with due expedition.

The location of the Respondent disclosed by the Registrar appears to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification. It is therefore appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceedings should continue.

Having considered all the circumstances of the case, the Panel is satisfied that the proceedings should continue.

First, the Panel notes that the Center duly complied with its obligations and that the Notification of Complaint was done in accordance with the Rules.

Second, the Panel observes that the Respondent sent an email communication on October 9, 2025, confirming unequivocally that he was aware of the UDRP proceeding and its subject matter. In that message, the Respondent explained the purpose of the Website, acknowledged the trademark concerns, and expressly agreed to transfer the Domain Name to the Complainant, requesting termination of the proceedings and instructions for completing the transfer. Such a response confirms that the Respondent had actual notice of the proceedings.

Having considered all the circumstances of the case, the Panel is of the view that the proceeding should continue. The Panel will therefore proceed to render its decision.

6.2. Substantive Matters – Three Elements

Paragraph 4(a) of the Policy places a burden on the Complainant to prove the presence of three separate elements, which can be summarized as follows:

- (i) the 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 the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

The requested remedy may only be granted if the above criteria are met. At the outset, the Panel notes that the applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence". See section 4.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). Noting the Respondent's claims regarding a lack of bad faith intent, the Panel will render a decision on the merits despite the Respondent's consent to remedy. [WIPO Overview 3.0](#), section 4.10.

A. Identical or Confusingly Similar

Under the first element, the Complainant must establish that the Domain Name is identical or confusingly similar to the trademark in which the Complainant has rights.

The Complainant holds a valid BROOKSIDE trademark registration. The trademark is recognizable in the Domain Name. [WIPO Overview 3.0](#), section 1.7.

The addition of the term “-chocolate” in the Domain Name does not prevent a finding of confusing similarity between the Domain Name and the BROOKSIDE trademark. Panels have consistently held that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. See section 1.8 of the [WIPO Overview 3.0](#).

The Top-Level Domain “.com” in the Domain Name is viewed as a standard registration requirement and as such is typically disregarded under the first element test. See section 1.11.1 of the [WIPO Overview 3.0](#).

Given the above, the Panel finds that the Domain Name is confusingly similar to the Complainant’s BROOKSIDE trademark for purposes of the Policy. In sum, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Under the second element, the Complainant must prove that the Respondent has no rights or legitimate interests in the Domain Name.

A right or legitimate interest in the Domain Name may be established, in accordance with paragraph 4(c) of the Policy, if the Panel finds any of the following circumstances:

- (i) that the Respondent has used or made preparations to use the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services prior to the dispute; or
- (ii) that the Respondent is commonly known by the Domain Name, even if the Respondent has not acquired any trademark rights; or
- (iii) that the Respondent is making a legitimate noncommercial or fair use of the Domain Name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark.

In the present case, the Complainant’s BROOKSIDE trademark registration predates the Respondent’s registration of the Domain Name. There is no evidence in the case record that the Complainant has licensed or otherwise permitted the Respondent to use the BROOKSIDE trademark or to register the Domain Name incorporating this trademark.

Moreover, it results from the evidence on record that the Respondent does not make use of the Domain Name in connection with a bona fide offering of goods or services, nor does it make a legitimate noncommercial or fair use of the Domain Name.

The Panel notes that at the time of filing of the Complaint, the Domain Name resolved to the Website displaying the Complainant’s BROOKSIDE trademark and official BROOKSIDE product images, which claimed to be the “Brookside Chocolate Official Website” and featured buttons such as “check price”,

“shop (US)”, “shop (CA)”, and “shop (UK)”, which may include links of a commercial or potentially fee-generating nature, and it is unclear whether the products promoted through these links are genuine or counterfeit.

For completeness, prior UDRP panels have recognized, further to section 2.8.1 of the [WIPO Overview 3.0](#), that resellers, distributors, or service providers using a domain name containing the complainant's trademark to undertake sales or repairs related to the complainant's goods or services may be making a bona fide offering of goods or services and thus have a legitimate interest in such a domain name. Outlined in the "Ok! Data test", the following cumulative requirements will be applied in the specific conditions of a UDRP case:

- (i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and
- (iv) the respondent must not try to "corner the market" in domain names that reflect the trademark.

In the present case, the above referred requirements are not met. The Domain Name, along with the Website, falsely suggests an affiliation with the Complainant and its BROOKSIDE trademark. The Panel believes that the use of the Complainant's trademark in the Domain Name and on the Website, together with the Complainant's official marketing materials, misleads Internet users regarding the lack of relationship between the Respondent and the Complainant, as Internet users may falsely believe that the Respondent is the Complainant or an entity associated with the Complainant. At the same time, the relationship between the Respondent and the Complainant (or a lack thereof) is not disclosed on the Website. To the contrary, the Website claims to be the "Brookside Chocolate Official Website". This perpetuates the false impression of a relationship between the Respondent and the Complainant.

The Panel notes that in its email communication of October 9, 2025, the Respondent claimed that the Website was created as a consumer resource to help users find Brookside chocolate products by aggregating product information and linking visitors to official Brookside listings on Amazon. The Respondent claimed that the intention was to assist customers and support legitimate sales channels, not to compete with or harm the Complainant. At the same time the Respondent acknowledged that using the BROOKSIDE trademark in the Domain Name may raise valid concerns.

Irrespective of the Respondent's above explanations, the Panel notes that the overall record indicates that the Respondent effectively passes itself off as the Complainant or as an entity associated with the Complainant, and contains no information that would support the Respondent's stated explanations.

Given the above, there are no circumstances in evidence which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights or legitimate interests of the Respondent in respect of the Domain Name. Thus, there is no evidence in the case record that refutes the Complainant's prima facie case. In sum, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Under the third element, the Complainant must prove that the Domain Name has been registered and is being used in bad faith.

Bad faith under the UDRP is broadly understood to occur where a respondent takes unfair advantage of or otherwise abuses a complainant's mark. See section 3.1 of the [WIPO Overview 3.0](#).

Under paragraph 4(b) of the Policy, evidence of bad faith registration and use includes, without limitation:

- (i) circumstances indicating the domain name was registered or acquired primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the owner of a trademark or to a competitor of the trademark owner, for valuable consideration in excess of the documented out-of-pocket costs directly related to the domain name; or

- (ii) circumstances indicating that the domain name was registered in order to prevent the owner of a trademark from reflecting the mark in a corresponding domain name, provided it is a pattern of such conduct; or
- (iii) circumstances indicating that the domain name was registered primarily for the purpose of disrupting the business of a competitor; or
- (iv) circumstances indicating that the domain name has intentionally been used in an attempt to attract, for commercial gain, Internet users to a website or other online location, by creating a likelihood of confusion with a trademark as to the source, sponsorship, affiliation, or endorsement of the website or location or of a product or service on a website or location.

As indicated above, the Complainant's rights in the BROOKSIDE trademark predate the registration of the Domain Name. This Panel finds that the Respondent was or should have been aware of the Complainant's trademark at the time of registration of the Domain Name. This finding is supported by the use of the BROOKSIDE trademark in the Domain Name and on the Website, and the promotion of the goods bearing this trademark.

Moreover, it has been proven to the Panel's satisfaction that the Complainant's BROOKSIDE trademark is well known, at least in the field of chocolate and confectionery products and snacks. Thus, the Respondent could not reasonably ignore the reputation of goods under this trademark, while promoting goods bearing the BROOKSIDE trademark. In sum, the Respondent, more likely than not, registered the Domain Name with the intention of taking unfair advantage of the reputation of the Complainant's BROOKSIDE trademark.

The Panel thus finds, on the balance of probabilities, that the Domain Name has been registered and is used in bad faith by the Respondent to attract Internet users to the Website. The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Website.

For the reasons discussed above, the Panel finds the third element of the Policy has been established.

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 <brookside-chocolate.com> be transferred to the Complainant.

/Piotr Nowaczyk/

Piotr Nowaczyk

Sole Panelist

Date: December 10, 2025