

## **ADMINISTRATIVE PANEL DECISION**

Chiquita Brands LLC v. leroux ibrahim, leroux severine patrick.

Case No. D2025-4873

### **1. The Parties**

The Complainant is Chiquita Brands LLC, United States of America ("United States"), represented by Bird & Bird, United Kingdom.

The Respondents are leroux ibrahim, France, and leroux severine patrick, France.

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

The disputed domain names <chiquita-fcltd.com>, and <chiquita-holding.com> are registered with Hottinger Operations, UAB (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 24, 2025. On November 24, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On November 25, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (anonymized) and contact information in the Complaint.

The Center sent an email communication to the Complainant on November 25, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed amended Complaint on November 27, 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 December 1, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 21, 2025. One of the Respondents sent an email communication to the Center on December 5, 2025. However, the Respondents did not file any formal Response. Accordingly, the Center notified the commencement of the panel appointment process on December 22, 2025.

The Center appointed Linda Chang as the sole panelist in this matter on December 29, 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 part of the Chiquita Group founded in 1870. The Complainant claims that it is a leading global banana company and employs 15,000 people across 25 countries with a presence in nearly 70 countries. The Complainant is the owner of the CHIQUITA brand that was launched in 1944. The Complainant owns numerous subsidiaries and affiliates globally, including Chiquita FC Limited, incorporated in the United Kingdom, and Chiquita Holding S.A., incorporated in Switzerland.

The Complainant owns numerous trademark registrations for CHIQUITA trademark, including:

- The United Kingdom trademark CHIQUITA Registration No. UK00001115174, registered on May 31, 1979, in class 32;
- The Switzerland trademark CHIQUITA Registration No. 300720, registered on October 12, 1979, in class 32; and
- The European Union trademark CHIQUITA Registration No. 001656982, registered on July 10, 2001, in class 39.

The First Respondent, leroux ibrahim, registered the disputed domain name <chiquitafcltd.com> on May 18, 2024. The Second Respondent, leroux severine patrick, registered the disputed domain name <chiquita-holding.com> on September 3, 2025. Presently, both disputed domain names resolve to invalid websites. According to the Complainant's evidence, both disputed domain names previously resolved to similar websites, each of which displayed the Complainant's CHIQUITA trademark, together with the names, historical or current addresses of the Complainant's affiliated companies - Chiquita FC Limited, or Chiquita Holding S.A. and purportedly offered financial products and services. The Complainant has provided an email chain that shows an individual emailing [...]@chiquitafcltd.com stating that he had been scammed by a representative associated with the Chiquita FC Limited website. A response was then received from the same email address [...]@chiquitafcltd.com explaining that the individual had not been scammed.

#### **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 names.

Notably, the Complainant contends that:

i) the disputed domain names incorporate the Complainant's CHIQUITA trademark in their entirety. Therefore, the disputed domain names are confusingly similar to the CHIQUITA trademark;

ii) without any authorization, the Respondents used the full names, historical or current registered addresses, and the names of the board members of the Complainant's affiliated companies - Chiquita FC Limited, or Chiquita Holding S.A., on the websites associated with the disputed domain names, which cannot be deemed as having rights or legitimate interests in respect of the disputed domain names;

iii) the Respondents used the aforementioned information of the Complainant's affiliated companies on the websites associated with the disputed domain names to purportedly offer financial products and services, such as investment consultation, wealth management, and real estate investment. In the countries where the Complainant's affiliated companies are incorporated, the provision of such financial products and services is highly regulated and requires authorization from regulatory authorities, however, by searching the term "Chiquita" in the database of relevant regulatory authorities, no relevant companies are found authorized to provide such financial products and services. This indicates that the Respondents' use of the disputed domain names is designed to create a false and misleading impression of affiliation with the Complainant; and

iv) the Complainant received a fraud complaint from a third-party Internet user who has suffered financial losses of EUR 21,800 as a result of fraudulent activities on the website associated with the disputed domain name <chiquita-fcld.com>. Therefore, the disputed domain names were registered and are being used in bad faith.

## **B. Respondent**

The First Respondent, leroux ibrahim, did not reply to the Complainant's contentions. The Second Respondent, leroux severine patrick, sent an email to the Center expressing to give up the disputed domain name <chiquita-holding.com>.

## **6. Discussion and Findings**

### **6.1. Procedural Issues – Consolidation of Multiple Respondents**

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraph 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes that (i) the two Respondents share the same postal address; (ii) both disputed domain names were registered with the same Registrar; (iii) both disputed domain names resolved to similar websites, each of which displayed the Complainant's CHIQUITA trademark, together with the names and historical or current registered addresses of the Complainant's affiliated companies, while purported to offer financial products and services. These facts satisfy the criteria of a finding of common control under [WIPO Overview 3.0](#), section 4.11.2.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as “the Respondent”) in a single proceeding.

## **6.2. Substantive Issues**

### **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 the Complainant’s trademark and the disputed domain names. [WIPO Overview 3.0](#), section 1.7.

Based on the available records, the Complainant has shown rights in respect of the CHIQUITA trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The generic Top-Level Domain (“gTLD”) “.com” as a standard registration requirement should be disregarded in the assessment of confusing similarity under the Policy.

The entirety of the CHIQUITA trademark is reproduced within the disputed domain names. While the letters “fcltd”, and the hyphen “-” and the term “holding” are respectively included, the CHIQUITA trademark remains clearly recognizable in the disputed domain names. The Panel finds that the extra letters, hyphen and term do not prevent the finding of confusing similarity between the disputed domain names and the CHIQUITA trademark. Accordingly, the disputed domain names are confusingly similar to the CHIQUITA trademark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.8.

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.

The information in the case file shows that:

- the disputed domain names resolved to similar websites, each of which displayed the Complainant’s CHIQUITA trademark, together with the names and historical or current registered addresses of the Complainant’s affiliated companies - Chiquita FC Limited, or Chiquita Holding S.A., without any prominent and accurate explanation of the relationship (or lack thereof) between the Parties;
- the Respondent used the aforementioned information of the Complainant’s affiliated companies on the previous websites associated with the disputed domain names to purportedly offer financial products and services. However, according to the Complainant’s evidence, there are no companies which use the term “Chiquita” in the company names, including the Complainant’s affiliated companies, having authorization to

provide such financial products and services. That raises reasonable suspicion on the authenticity and reliability of the previous websites associated with the disputed domain names;

- a third-party Internet user who has already suffered fraud and financial losses of EUR 21,800 on the previous website associated with the disputed domain name <chiquita-fc-ltd.com>;

- after the arising of the dispute, the Respondents either failed to respond to the Complainant's contentions or directly expressed to give up one of the disputed domain names;

- there is no evidence proving that the Respondent has been commonly known by the disputed domain names; and

- no other factors demonstrate any rights or legitimate interests of the Respondent in the disputed domain names.

The above facts make it implausible to infer that the Respondent was using the disputed domain names in relation to a bona fide offering of goods or services, or a legitimate noncommercial or fair use. Instead, the above facts are demonstrating that the Respondent deliberately exploited the Complainant's CHIQUITA trademark, and the names and historical or current addresses of the Complainant's affiliated companies - Chiquita FC Limited, or Chiquita Holding S.A., to falsely offer financial products and services, thereby misleading Internet users into believing that the disputed domain names and the associated websites are affiliated with the Complainant, for illicit commercial gain.

Having reviewed the available records, the Panel finds the Complainant has established a prima facie case that the Respondent lack rights or legitimate interests in the disputed domain names. The Respondent have not rebutted the Complainant's prima facie showing and have not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise.

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 the Complainant obtained the trademark registration for CHIQUITA as early as in 1979, which predates the registration dates of the disputed domain names <chiquita-fc-ltd.com> (May 18, 2024) and <chiquita-holding.com> (September 3, 2025). According to the Complainant's evidence, the Panel accepts that the CHIQUITA trademark has gained a certain degree of reputation and distinctiveness through the Complainant's continuous use and advertising worldwide. The Respondent registered the disputed domain names that fully incorporate the Complainant's CHIQUITA trademark and resolved the disputed domain names to similar websites, each of which displayed the Complainant's CHIQUITA trademark, together with the names and historical or current addresses of the Complainant's affiliated companies - Chiquita FC Limited, or Chiquita Holding S.A. Bearing in mind that the CHIQUITA trademark is a coined word. The Panel determines that the Respondent should have actual knowledge of the Complainant and its rights to CHIQUITA trademark at the time of registering the disputed domain names, and bad faith is found.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The disputed domain names resolve to invalid websites at the time of Decision but were once used to host similar websites, each of which displayed the Complainant's CHIQUITA trademark, together with the names and historical and current addresses of the Complainant's affiliated companies and purportedly offered financial products and services. Although such financial products and services are irrelevant to the Complainant's business, as illustrated in Section 6.2.B "Rights or Legitimate Interests", the Panel holds, on the balance of probabilities, the Respondent's registration and use of the disputed domain names were to enhance the appeal of the disputed domain names by leveraging the popularity and reputation of the Complainant and its CHIQUITA trademark, thereby luring Internet users to visit the websites associated with the disputed domain names and seeking improper benefits, which are opportunistically and bad faith.

Furthermore, the Respondent's above behaviours are highly likely to cause confusion to the Internet users regarding the Complainant's CHIQUITA trademark as to the source, sponsorship, affiliation or guarantee of the goods on the websites associated with the disputed domain names, which constitutes bad faith within the meaning of paragraph 4(b)(iv) of the Policy. Additionally, according to the Complainant's evidence, the Complainant has received a fraud complaint from a third-party Internet user in connection with the previous website associated with the disputed domain name <chiquitafltd.com>, which constitutes evidence of actual confusion between the disputed domain name <chiquitafltd.com> and the Complainant, and serves as further indicative of the Respondent's bad faith.

Given the Respondent's previous use of the disputed domain names, the current non-use of the disputed domain names does not change the Panel's finding of the Respondent's bad faith.

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 names <chiquitafltd.com> and <chiquita-holding.com> be transferred to the Complainant.

*/Linda Chang/*

**Linda Chang**

Sole Panelist

Date: January 12, 2026