

ADMINISTRATIVE PANEL DECISION

Krispy Kreme Doughnut Corporation and HDN Development Corporation v.
Krispy Kreme
Case No. D2025-5458

1. The Parties

Complainants are Krispy Kreme Doughnut Corporation and HDN Development Corporation, United States of America (“United States”), represented by Kilpatrick Townsend & Stockton LLP, United States.

Respondent is Krispy Kreme, United States.

2. The Domain Name and Registrar

The disputed domain name <krispykremedoughnutfranchise.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 31, 2025. On January 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 2, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Privacy User #8bd8beb4, PrivacyGuardian.org llc) and contact information in the Complaint. The Center sent an email communication to Complainants on January 2, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainants to submit an amendment to the Complaint. Complainants filed an amended Complaint on January 6, 2026.

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 January 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 27, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on January 28, 2026.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on February 4, 2026. 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 Krispy Kreme Doughnut Corporation and its related companies are a long-established retailer whose operations, subsidiaries and franchises sell sweet treats and doughnuts in hundreds of locations around the world. HDN Development Corporation owns the KRISPY KREME marks. Krispy Kreme Doughnut Corporation and HDN Development Corporation are both wholly-owned subsidiaries of Krispy Kreme, Inc. Complainants promote its business at “www.krispykreme.com”.

Complainant HDN Development Corporation owns hundreds of registrations for the KRISPY KREME marks including for example: European Union Trademark Registration No. 001298660, registered on May 11, 2006 in classes 25, 30, and 42; European Union Trademark Registration No. 001298785 (figurative), registered on November 23, 2007 in classes 25, 30, and 42; and United States Trademark Registration No. 938245, registered on July 18, 1972 in class 42.

The disputed domain name was registered on August 12, 2024. At the time of filing of the Complaint, the disputed domain name resolved to a website prominently displaying Complainants’ trademark-registered logo. The website promoted franchise opportunities for Complainants’ businesses and offered assistance in applying for franchises. The disputed domain name has also been used to send what appear to be fraudulent emails.

5. Parties’ Contentions

A. Complainants

Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainants allege that:

“ ... Respondent has used [the website to which the disputed domain name resolves] to impersonate Complainant as part of a scheme to defraud unsuspecting individuals by promoting purported franchise opportunities to operate a KRISPY KREME store. Respondent has posted a website at the Disputed Domain Name that purports to be an official website of Complainant by (i) prominently and repeatedly displaying the KRISPY KREME mark, (ii) using numerous photos of Complainant’s KRISPY KREME stores, and (iii) including alleged information on how to become a franchisee of Complainant. ...”

“To further the connection with Complainant, Respondent lists Complainant’s former corporate headquarters address as its address. ...”

“As part of Respondent’s fraudulent scheme promoting alleged franchise opportunities, Respondent poses as Complainant and provides interested individuals with communications that feature Complainant’s KRISPY KREME name and mark. Unsuspecting individuals who engage with Respondent about becoming a KRISPY KREME franchisee are misled into believing that they are dealing directly with Complainant. Specifically, since registering the Disputed Domain Name, Respondent has used at least one email address associated with the Disputed Domain Name ([...]@krispykremedoughnutfranchise.com) to impersonate Complainant and its employees—including [Complainants’ director of international franchise operations]—in emails to prospective franchisees.”

“In furtherance of the scam, individuals are told that they have been approved to become a franchisee. The targeted individual is provided with a franchise approval letter and is asked to review and sign a memorandum of understanding, after which the individual will be invoiced for a franchise fee of \$25,000 USD. ...”

Complainants also aver that Respondent’s website uses the KRISPY KREME registered logo in its favicon and that Respondent has used a former address of Complainants’ business in Respondent’s registration of the disputed domain name.

Complainants annex to the Complaint exhibits consisting of screenshots and emails supporting their allegations.

B. Respondent

Respondent did not reply to Complainants’ contentions.

6. Discussion and Findings

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 Complainants’ 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.

Complainants have 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 entirety of the mark is reproduced 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.

Although the addition of other terms (here, “doughnutfranchise”) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds that the first element of paragraph 4(a) 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.

In this case, Complainants have provided credible, unopposed evidence that Respondent has used the disputed domain name to falsely solicit and offer franchise opportunities with Complainants' business, including the solicitation of payments by applicants for franchises under false premises. The Panel accepts this evidence and also accepts as true Complainants' allegations that Respondent has no relation to Complainants and that Respondent is not authorized to use Complainants' marks in the disputed domain name.

Having reviewed the available record, the Panel finds that Complainants have established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted Complainants' prima facie 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.

Panels have held that the use of a domain name for illegitimate activity (here, alleged phishing, impersonation/passing off, 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 that the second element of Policy paragraph 4(a) 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 Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with Complainants' marks, a clear demonstration of bad faith under paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for illegitimate activity (in this case alleged phishing, impersonation/passing off, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds that Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

While 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, 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.

In this case, the Panel finds that Respondent's use of false contact details in violation of Respondent's agreement with the Registrar and Respondent's failure to respond to the Complaint in this proceeding are further evidence of bad faith.

The Panel finds that Complainants have established the third element of Policy paragraph 4(a).

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 <krispykremedoughnutfranchise.com> be transferred to Complainants.

/Jeffrey D. Steinhardt/

Jeffrey D. Steinhardt

Sole Panelist

Date: February 13, 2026