

ADMINISTRATIVE PANEL DECISION

AdvancePierre Foods, Inc. v. Delan Gupta, Kwantas Stock Supply
Case No. D2026-0172

1. The Parties

The Complainant is AdvancePierre Foods, Inc., United States of America (“United States”), represented by Tyson Foods, Inc., United States

The Respondent is Delan Gupta, Kwantas Stock Supply, Cameroon.

2. The Domain Name and Registrar

The disputed domain name <advancepierrefoodinc.com> is registered with CloudFlare, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 15, 2026. On January 16, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 16, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (DATA REDACTED / Privacy service provided by Cloudflare, Inc.) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 19, 2026, 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 amendment to the Complaint on January 23, 2026.

The Center verified that the Complaint together with the amendment to 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 January 27, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 16, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 18, 2026.

The Center appointed Federica Togo as the sole panelist in this matter on March 2, 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

It results from the Complainant's undisputed allegations that it is active in the food industry. The Complainant is the registered owner of several trademarks consisting of and/or containing "AdvancePierre", e.g. United States trademark registration No. 6531103 ADVANCEPIERRE (word) registered on October 19, 2021, for goods in class 29; United States trademark registration No. 4807024 ADVANCEPIERRE FOODS (figurative) registered on September 8, 2015, amongst others for goods in class 29.

The disputed domain name was registered on August 25, 2025. Further, the undisputed evidence provided by the Complainant proves that the disputed domain name resolves to food products marketing website allegedly offering products under the Complainant's mark and displaying without authorization the Complainant's trademark and logo. In addition, the header shows "AdvancePierre Foods, Inc" and the footer says "Copyright © 2026 AdvancePierre Foods, Inc | All rights reserved".

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 name.

Notably, the Complainant contends that the disputed domain name is identical and confusingly similar to the Complainant's ADVANCEPIERRE and ADVANCEPIERRE FOODS trademarks since it fully incorporates such marks.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complainant, the Respondent is not related to, or affiliated or connected with Complainant or any of the predecessor entities in any way. The Complainant also has never licensed or authorized Respondent to use the ADVANCEPIERRE marks, or to register any domain name incorporating the ADVANCEPIERRE marks. Instead, the disputed domain name utilizes the Respondent's exact design of the ADVANCEPIERRE mark to advertise products that are offered for sales, such as poultry products, by the Respondent and its related entities.

Furthermore, the Complainant contends that the disputed domain name was registered and is being used in bad faith. According to the Complainant, the Respondent knew of the Complainant's rights in the ADVANCEPIERRE marks prior to the registration of the disputed domain name. In fact, the Respondent selected a domain that fully incorporates the ADVANCEPIERRE marks. In addition, the disputed domain name includes the Respondent's exact registered design for the ADVANCEPIERRE marks. Had the Respondent conducted even a cursory search, he would have found the Complainant's various trademark registrations in the ADVANCEPIERRE marks, websites associated with the ADVANCEPIERRE marks, and numerous additional references in commerce, on the Internet, and in publications, evidencing the Complainant's existence and use of its marks in connection with the Complainant's goods and services.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

Paragraph 15(a) of the Rules instructs this Panel to “decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”. Paragraph 4(a) of the Policy requires a complainant to prove each of the following three elements in order to obtain an order that each disputed domain name be transferred or cancelled:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

The Panel will therefore proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied.

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 name. WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 3.1](#), section 1.7.

Although the addition of other term here, “inc”, 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 3.1](#), section 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 that 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 3.1](#), 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 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.

Moreover, the Panel notes that the disputed domain name is clearly constituted by the ADVANCEPIERRE and ADVANCEPIERRE FOODS registered trademarks and the term “inc”, which clearly refers to the Complainant’s core business and company name, tending to suggest sponsorship or endorsement by the Complainant. This is also confirmed by the content of the website to which the disputed domain name resolves, allegedly advertizing and offering for sale products under the Complainant’s mark and reproducing without authorization the Complainant’s trademark and logo and presenting itself as the Complainant.

The composition of the disputed domain name directly targeting the Complainant’s field of activity, enhances the false impression that the disputed domain name is somehow officially related to the Complainant and promoting the Complainant’s business. Such composition of the disputed domain name cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. See section 2.5.1 of the [WIPO Overview 3.1](#).

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.

One of these circumstances is that the Respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its 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 its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy).

In the present case, the Panel notes that it results from the Complainant’s documented allegations that the disputed domain name resolves to a website prominently displaying the Complainant’s trademark and logo, and purportedly advertising and offering for sale products under the Complainant’s mark and presenting itself as the Complainant. For the Panel, it is therefore evident that the Respondent positively knew the Complainant’s mark. Consequently, and in the absence of any evidence to the contrary, the Panel is convinced that the Respondent also knew that the disputed domain name included the Complainant’s trademark when it registered the disputed domain name.

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 3.1](#), section 3.2.1. In this regard, the further circumstances surrounding the disputed domain name’s registration and use confirm the Panel’s findings that the Respondent has registered and is using the disputed domain name in bad faith:

(i) the nature of the disputed domain name (incorporating the Complainant’s mark plus the addition of a term “inc” which clearly refers to the Complainant’s company name);

(ii) the content of the website to which the disputed domain name directs, prominently displaying the Complainant’s trademark, logo, and purportedly advertising and offering for sale products under the Complainant’s marks, and presenting itself as the Complainant.

(iii) absence of rights or legitimate interests coupled with no response for the Respondent’s choice of the disputed domain name.

(iv) the Respondent concealing its identity through a privacy service.

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 <advancepierrefoodinc.com> be transferred to the Complainant.

/Federica Togo/

Federica Togo

Sole Panelist

Date: March 16, 2026