ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
CCA and B, LLC v. 张辉 (zhang hui)
Case No. D2026-0412

1. The Parties

The Complainant is CCA and B, LLC, United States of America ("U.S."), represented by Marq Vision Inc., U.S.

The Respondent is 张辉 (zhang hui), China.

2. The Domain Name and Registrar

The disputed domain name <elfontheshelfs.xyz> is registered with Alibaba Cloud Computing Ltd. d/b/a HiChina (www.net.cn) (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on February 2, 2026. On February 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 3, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 4, 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 in English to the Complaint on February 6, 2026.

On February 4, 2026, the Center informed the parties in Chinese and English, that the language of the registration agreement for the disputed domain name is Chinese. On February 6, 2026, the Complainant requested English to be the language of the proceeding. The Respondent did not submit any comment on the Complainant's submission.

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 in Chinese and English of the Complaint, and the proceedings commenced on February 17, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 9, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 10, 2026.

The Center appointed Francine Tan as the sole panelist in this matter on March 12, 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

The Complainant is a globally renowned family entertainment and publishing entity, recognized for its flagship holiday brand, "The Elf on the Shelf". The Complainant states that its brand has gained significant recognition worldwide for its beloved Christmas tradition and interactive storytelling. It is an iconic cultural staple in the holiday consumer products sector, with millions of families participating globally.

The Complainant owns the trade marks THE ELF ON THE SHELF and SANTAVERSE. The ELF ON THE SHELF is registered in the U.S. under Registration Nos. 3533459 (registered on November 18, 2008) and 7288289 (registered on January 23, 2024). The SANTAVERSE trade mark is registered under U.S. Registration No. 7733109 (registered on March 18, 2025).

The Complainant promotes its trade marks through its official websites at "www.elfontheshelf.com" and "www.santaverse.com". It has established a robust international presence both online and offline across major retail outlets in the U.S. and internationally.

The disputed domain name was registered on November 20, 2025.

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 confusingly similar to the Complainant's THE ELF ON THE SHELF. The disputed domain name merely omits the definite article "the" and adds the letter "s". These minor modifications are insufficient to prevent a finding of confusing similarity to the Complainant's trade mark.

- The Respondent has no rights or legitimate interests in the disputed domain name. There is no evidence that the Respondent is commonly known by the disputed domain name or has trademark rights in ELF ON THE SHELFS. The Respondent is not sponsored or affiliated with the Complainant in any way which might give rise to any license or permission to use the Complainant's THE ELF ON THE SHELF mark. Further, the Respondent is using the disputed domain name in connection with websites that mislead consumers into thinking that the Respondent is the Complainant.

- The disputed domain name was registered and is being used in bad faith. Given the renown and distinctive character of the Complainant's trade mark and its significant international prominence, it is evident that the Respondent must have been aware of the Complainant and its trade marks. The registration and use of the disputed domain name demonstrate the Respondent's actual knowledge of the Complainant and a specific intent to target its corporate identity. The disputed domain name resolves to a website which displays the specific sub-brand logo trade mark, SANTAVERSE. Additionally, a direct comparison between

the Respondent's website and the main page of the Complainant's official website at "www.santaverse.com" shows the Respondent has engaged in a deliberate cloning of the Complainant's brand. The Respondent's website replicates the Complainant's official website's distinct trade dress by appropriating 3D animated imagery of the Scout Elf and Reindeer characters. These are visual assets that serve as globally recognized source identifiers for the Complainant. The Respondent's website copies specific headlines and narrative text ad verbatim from the official website. Copyright-protected textual elements have also been copied.

- These show that the Respondent is engaging in impersonation to deceive users into believing that they have accessed an official or authorized website of the Complainant.

B. Respondent

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

6. Discussion and Findings

Language of the Proceeding

The language of the Registration Agreement for the disputed domain name is Chinese. Pursuant to the Rules, paragraph 11(a), in the absence of an agreement between the parties, or unless specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement.

The Complaint was filed in English. The Complainant requested that the language of the proceeding be English for several reasons:

- The disputed domain name is confusingly similar to the Complainant's trade mark THE ELF ON THE SHELF.

- The website associated with the disputed domain name is operated entirely in English.

- These circumstances confirm that the Respondent has sufficient proficiency in English to understand and participate in the proceedings.

- Requiring the Complainant to translate the Complaint and all supporting documentation into Chinese would create an undue burden on the Complainant in terms of costs.

The Respondent did not make any specific submissions with respect to the language of the proceeding.

In exercising its discretion to use a language other than that of the registration agreement, the Panel has to exercise such discretion judicially in the spirit of fairness and justice to both parties, taking into account all relevant circumstances of the case, including matters such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.5.1).

Having considered all the matters above, the Panel determines under paragraph 11(a) of the Rules that the language of the proceeding shall be English. It is evident that the Respondent is very familiar with and has sufficient proficiency in English and therefore the Panel does not see any prejudice to the Respondent for the proceeding to be in English.

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 3.1, section 1.7.

The Complainant has shown rights in respect of a trademark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

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 3.1, section 1.7. The omission of the definite article "the" and the addition of the letter "s" in the disputed domain name do not prevent a finding of confusing similarity between the disputed domain name the Complainant's THE ELF ON THE SHELF trade 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.

There is no evidence that the Respondent is commonly known by the disputed domain name. The Respondent was not authorized by the Complainant to use the latter's THE ELF ON THE SHELF trade mark or similar mark, or to register a domain name incorporating the trade mark. The evidence shows that the Respondent has not used the disputed domain name for a legitimate noncommercial or fair use, without intent for commercial gain.

Panels have held that the use of a domain name for illegitimate activity, here, claimed as applicable to this case: a copycat site, passing off, or impersonation, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel finds this case to be a typical case of cybersquatting. The disputed domain name incorporates the entirety of the distinctive portions of the Complainant's distinctive and well-known trade mark. It is evident that the Respondent knew of and targeted the Complainant and its trade marks. The Respondent impersonated the Complainant and passed off its website as the Complainant's or as an approved website of the Complainant's.

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. The Panel finds that the circumstances of this case fall within the ambit of paragraph 4(b)(iv) of the Policy, i.e.:

"by using the domain name, [the Respondent has] intentionally attempted to attract, for commercial gain, Internet users to [its] web site or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of [its] web site or location or of a product or service on [its] web site or location."

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 <elfontheshelfs.xyz> be transferred to the Complainant.

/Francine Tan/
Francine Tan
Sole Panelist
Date: March 16, 2026