

ADMINISTRATIVE PANEL DECISION

Hershey Chocolate & Confectionery LLC v. 杨勇波 (yongbo), 博思云科技 (浙江) 有限公司 (Boss Cloud Technology (Zhejiang) Co., Ltd.)
Case No. D2026-0512

1. The Parties

The Complainant is Hershey Chocolate & Confectionery LLC, United States of America ("United States"), represented by Arnold & Porter Kaye Scholer LLP, United States.

The Respondent is 杨勇波 (yongbo), 博思云科技 (浙江) 有限公司 (Boss Cloud Technology (Zhejiang) Co., Ltd.), China.

2. The Domain Name and Registrar

The disputed domain name <hersheysfreemints.com> is registered with Xin Net Technology Corp. (the "Registrar").

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the "Center") on February 6, 2026. On February 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 10, 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 10, 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 amended Complaint in English on February 11, 2026.

On February 10, 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 11, 2026, the Complainant confirmed its request that English 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 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 in Chinese and English of the Complaint, and the proceedings commenced on February 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 5, 2026.

The Center appointed Jonathan Agmon as the sole panelist in this matter on March 9, 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 leading United States chocolate and confectionery company that sells products under the HERSHEY and HERSHEY'S marks.

The Complainant owns longstanding trademark registrations in the United States for HERSHEY'S and HERSHEY. The Complainant's trademark registrations include the following:

- United States trademark registration No. 54,041 for HERSHEY'S, registered on June 19, 1906;
- United States trademark registration No. 863,592, for HERSHEY'S, registered on January 14, 1969; and
- United States trademark registration No. 1,455,684, for HERSHEY, registered on September 1, 1987.

The Complainant also operates websites using domain names incorporating its marks, including <hersheys.com>.

The disputed domain name was registered on September 11, 2025. It resolves to a website that prominently displays an unauthorized imitation of the Complainant's HERSHEY logo (consisting of the HERSHEY mark in its distinctive font alongside a stylized silhouette of a HERSHEY'S Kisses candy) at the top of each page. The website also stated, in substance, that it was the "actual producer" of the goods sold and offered the products at "factory-direct" prices.

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:

- (i) The disputed domain name is confusingly similar to its famous HERSHEY and HERSHEY'S marks, as it wholly incorporates those marks and merely appends the descriptive terms "free" and "mints", terms that describe a type of confectionery product closely associated with the Complainant's business, and which therefore reinforce rather than diminish the confusing similarity.
- (ii) The Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has never authorized the Respondent to use the HERSHEY or HERSHEY'S marks or to register the disputed domain name. The Respondent is not commonly known by the name "hersheysfreemints" or any variant thereof.
- (iii) The disputed domain name was registered and is being used in bad faith. The Respondent registered the disputed domain name with full knowledge of the Complainant's famous marks, as evidenced by the Respondent's unauthorized use of the HERSHEY logo and Kisses logo on its website and its false claim to

be the manufacturer of HERSHEY-branded goods. The Respondent's conduct falls squarely within paragraph 4(b)(iv) of the Policy, as it intentionally attracts Internet users by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and the products offered thereon.

B. Respondent

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

6. Discussion and Findings

6.1 Preliminary Issue: Language of the Proceeding

Paragraph 11(a) of the Rules provides that, unless otherwise agreed by the parties, or specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

The language of the Registration Agreement for the disputed domain name is Chinese. The Complainant filed the Complaint in English and requested that English be the language of the proceeding for the following reasons:

- (i) the Complainant is a well-known American company and English is widely used for its international activities;
- (ii) the disputed domain name is in English and uses Latin alphabet characters;
- (iii) the website to which the disputed domain name resolves uses English throughout the website; and
- (iv) requiring the Complainant to translate the Complaint would cause undue delay while the Respondent's acts of cybersquatting continue.

The Respondent did not comment on 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. The Panel does not find any reason in this case for delaying the proceeding or burdening the Complainant with the costs stemming from an order for the Complaint to be translated into Chinese.

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 name. [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 disputed domain name <hersheysfreemints.com> wholly incorporates the HERSHEY and HERSHEY'S (save for the apostrophe) marks in their entirety. The additional terms "free" and "mints", which may bear on assessment of the second and third elements, do not serve to prevent a finding of confusing similarity between the disputed domain name and the Complainant's marks. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.1](#), 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 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.

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, and copyright infringement, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

Moreover, the Panel notes that the additional words "free" and "mints" in the disputed domain name correspond to the nature of intended use of the Complainant's goods, since "mints" is a type of confectionery product within the Complainant's product range, and "free" is a common promotional term. Therefore, the composition of the disputed domain name, incorporating the Complainant's distinctive coined trademark with added terms "free" and "mints" carries a risk of implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. [WIPO Overview 3.1](#), section 2.5.1.

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

C. Registered and Used in Bad Faith

The disputed domain name incorporates the entirety of the Complainant's distinctive and well-recognized trademarks. The HERSHEY'S and HERSHEY trademarks have been used and registered for many years by the Complainant. It is evident from the content and layout of the Respondent's website that the Respondent knew of and deliberately targeted the Complainant and its trademarks at the time it registered the disputed domain name.

Having reviewed the totality of the evidence, the Panel agrees with the Complainant that the Respondent has registered and is using the disputed domain name in bad faith when it presents itself as the Complainant, using the Complainant's trademarks, and purportedly offering and promoting goods under the brands of the Complainant and third parties. The circumstances of this case fall within that described in paragraph 4(b)(iv) of the Policy.

Further, 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, and copyright infringement constitutes bad faith registration and use of the disputed domain name. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <hersheysfreemints.com> be transferred to the Complainant.

/Jonathan Agmon/

Jonathan Agmon

Sole Panelist

Date: March 23, 2026