

ADMINISTRATIVE PANEL DECISION

FERRERO S.p.A. v. lar frank
Case No. D2026-1221

1. The Parties

The Complainant is FERRERO S.p.A., Italy, represented by Studio Barbero S.p.A., Italy.

The Respondent is lar frank, Philippines.

2. The Domain Names and Registrar

The disputed domain names <ferrerorochershop.com> and <ferrerorocherstore.com> are registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 20, 2026. On March 20, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On March 20, 2026, 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 (User #b9635084 Privacy and User #a77c0327 Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 23, 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 the same date.

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 March 26, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 15, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 22, 2026.

The Center appointed Reyes Campello Estebaranz as the sole panelist in this matter on April 27, 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 global chocolate confectionery company founded in Italy in 1946. Since beginning its international expansion in 1956, the group has grown to encompass 109 companies and 37 production plants worldwide, reporting a consolidated turnover of EUR 18.4 billion in 2024.

The Complainant holds rights in the FERRERO, ROCHER, and FERRERO ROCHER trademarks. The FERRERO ROCHER brand, created in 1982, is a world leader in its category and is currently marketed in 140 countries. In 2025, it was ranked among the world's top 50 most valuable food brands, with an estimated value of USD 1.8 billion.

The Complainant holds numerous trademark registrations for its brands across multiple jurisdictions, including:

- International Trademark Registration No. 241789, FERRERO (word), registered on March 28, 1961;
- International Trademark Registration No. 286931, FERRERO (figurative, registered on July 24, 1964, with the following graphic representation:



- International Trademark Registration No. 688261, ROCHER (word), registered on February 16, 1998;
- International Trademark Registration No. 1150368, ROCHER (figurative), registered on December 21, 2012, designating, among others, Philippines, with the following graphic representation:



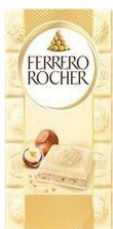
- International Trademark Registration No. 463594-, FERRERO ROCHER (figurative), registered on July 30, 1981, with the following graphic representation:



- International Trademark Registration No. 1558349, FERRERO ROCHER (figurative), registered on August 24, 2020, designation, among other jurisdictions, Philippines, with the following graphic representation:



- International Trademark Registration No. 1665133, FERRERO ROCHER (figurative), registered on May 12, 2022, with the following graphic representation:



- International Trademark Registration No. 1339375, FERRERO ROCHER (figurative), registered on December 14, 2016, with the following graphic representation:



- Philippines Trademark Registration No. PH4199000420541, FERRERO (figurative), registered on August 1, 1995, with the following graphic representation:

FERRERO

- Philippines Trademark Registration No. PH420000007060, FERRERO ROCHER (figurative), registered on July 23, 2005, with the following graphic representation:



- Philippines Trademark Registration No. PHM000101558349, FERRERO ROCHER (figurative), registered on July 2, 2021, with the following graphic representation:



(Hereinafter collectively referred to as the “FERRERO Mark”, the “ROCHER Mark”, and the “FERRERO ROCHER Mark”, respectively).

The Complainant also owns numerous domain names incorporating its trademarks, including <ferrero.com> (registered on December 8, 1998), which serves as its primary global portal, and <ferrerorocher.com> (registered on May 11, 2000), which resolves to the official website for the FERRERO ROCHER Mark.

The disputed domain names <ferrerorochershop.com> and <ferrerorocherstore.com> were registered on January 22, 2026, and February 12, 2026, respectively.

At the time of this Decision, <ferrerorochershop.com> appears to be inactive or blocked by the hosting provider, resolving to a standard browser error message. In contrast, <ferrerorocherstore.com> resolves to

an English-language website that purportedly commercializes FERRERO ROCHER chocolates at heavily discounted prices. This website prominently displays the FERRERO ROCHER Mark in the header and throughout its content, alongside images of the Complainant's products offered at discounts exceeding 50%.

The "About Us" section of the Respondent's website states: "Welcome to ferrerorocherstore — your destination for handcrafted Ferrero Rocher premium chocolates," and contains descriptions suggesting a modification of the original products, such as: "We specialize in the artisanal reinvention of Ferrero Rocher [...] Every creation starts with authentic Ferrero Rocher, then is thoughtfully enhanced." A closing note clarifies that the site is "not an official flagship store" but rather a "small, passionate atelier" that "can turn a beloved classic into something unexpectedly new." Despite these statements, the website lacks a clear and prominent disclaimer regarding its lack of affiliation with the Complainant and provides no information concerning the identity of the site owner. The footer features a copyright notice: "Copyright 2026 @ ferrerorocherstore.com."

Evidence submitted by the Complainant indicates that <ferrerorochershop.com> previously resolved to a similar website prominently featuring the FERRERO ROCHER Mark and product imagery. That website was deactivated by the hosting provider following a cease-and-desist request from the Complainant. However, the DNS configuration for <ferrerorochershop.com> still maintains active Mail Exchanger (MX) records, suggesting potential use for email communications.

Prior to filing the Complaint, the Complainant's representative sent multiple cease-and-desist letters and reminders to the Registrar and the hosting providers between February 10 and February 16, 2026. While the hosting provider for <ferrerorochershop.com> complied with the deactivation request, the Registrar did not respond to these communications.

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 names entirely reproduce and combine the Complainant's trademarks, which, in accordance with section 1.7 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), is sufficient to establish confusing similarity. The addition of the terms "shop" and "store" does not prevent a finding of confusing similarity under the first element. Furthermore, figurative or design elements of the Complainant's trademarks, as well as the gTLD ".com", should be disregarded in the assessment.

The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain names. The Respondent lacks any license or authorization to use the Complainant's trademarks, and there is no evidence that the Respondent is commonly known by the disputed domain names. The disputed domain names have been used in connection with websites featuring the Complainant's trademarks and product visuals to sell purported products at discounted prices, which constitutes "passing off" and an attempt to free-ride on the Complainant's reputation for commercial gain. Such use does not satisfy the requirements for a legitimate reseller under the "Oki Data" test, as the Respondent failed to accurately and prominently disclose the lack of relationship with the trademark holder. On the contrary, the use of copyright notices and the absence of disclaimers reinforced a false impression of affiliation. Additionally, the combination of a well-known mark with terms like "shop" or "store" carries a high risk of implied affiliation, precluding a finding of fair use. Regarding <ferrerorochershop.com>, which currently resolves to an error page, the Complainant argues that passive holding - especially following a period of infringing use - does not constitute legitimate use. Furthermore, the Respondent's failure to reply to the cease-and-desist letters should be viewed as an admission of a lack of rights or legitimate interests.

The Complainant further contends that the Respondent registered and is using the disputed domain names in bad faith. Given the 80-year history and global reputation of the Complainant's marks, it is inconceivable that the Respondent was unaware of them at the time of registration in early 2026. This actual knowledge is further evidenced by the Respondent's unauthorized use of the Complainant's product imagery and trademarks. The Respondent intentionally attempted to attract Internet users by creating a likelihood of confusion as to the source or affiliation of the websites. Under paragraph 4(b)(iv) of the Policy, using a well-known mark to sell purported products at a discount constitutes a bad faith attempt to "ride on the coattails" of the trademark owner. Regarding the current deactivation of <ferrerorochershop.com>, the Complainant relies on the doctrine of "passive holding," arguing that bad faith is established by the high degree of distinctiveness of the marks, the concealment of the Respondent's identity, and the lack of any plausible good-faith use. Furthermore, the active MX records for the disputed domain name create a risk of deceptive email communications, which in itself constitutes bad faith use.

Finally, the Complainant asserts that the Respondent's bad faith is demonstrated by a pattern of abusive conduct and the provision of incomplete contact information. The Complainant provides evidence that the Respondent has been involved in numerous prior UDRP proceedings (e.g., *Valentino S.p.A. v. lar frank*, WIPO Case No. [D2026-0169](#); *L'Oréal v. no, lar frank*, WIPO Case No. [D2025-0476](#)). This history of registering domain names targeting well-known third-party trademarks establishes a clear pattern of bad faith conduct. Additionally, the Respondent provided inaccurate contact information in the Whois records, specifically omitting a street number, which serves as a further indicator of bad faith.

B. Respondent

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

6. Discussion and Findings

The Complainant has submitted all relevant assertions under the Policy, and the dispute properly falls within its scope. The Panel has the authority to decide the dispute by examining the three elements set forth in paragraph 4(a) of the Policy, taking into account all relevant evidence, annexed materials, and submissions. The Panel may also conduct limited independent research pursuant to its general powers, as provided, *inter alia*, in paragraph 10 of the Rules.

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 established rights in the FERRERO, ROCHER, and FERRERO ROCHER Marks for the purposes of the Policy, supported by the evidence of trademark registrations provided. [WIPO Overview 3.1](#), section 1.2.1.

The disputed domain names incorporate the entirety of these marks with the addition of the terms "shop" or "store". The Panel finds that the Complainant's trademarks remain clearly recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

While the addition of terms such as "shop" and "store" may be relevant to the assessment of the second and third elements, the Panel finds that their inclusion does not prevent a finding of confusing similarity under the first element. [WIPO Overview 3.1](#), section 1.8.

In view of the above, 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 names.

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 names such as those enumerated in the Policy or otherwise.

The Panel notes that the Respondent’s name, as disclosed by the Registrar, bears no similarity to the disputed domain names or the FERRERO ROCHER Mark. Furthermore, the Panel has conducted independent research through the Global Brand Database and confirmed that the Respondent holds no trademark rights for these terms.¹

The Panel further finds that the Respondent is not using the disputed domain names in connection with a bona fide offering of goods or services, nor for any legitimate noncommercial or fair use.

The use of the disputed domain names for websites that prominently display the Complainant’s trademarks and product imagery to offer purported products at extreme discounts (exceeding 50%) - without disclosing the site owner’s identity or the lack of relationship with the Complainant - constitutes a clear case of impersonation or “passing off”. In the Panel’s view, the Respondent has intentionally attempted to masquerade as the Complainant to unfairly profit from its reputation.

Furthermore, the products commercialized on the Respondent’s websites appear to be illegitimate. As stated on the website resolving from <ferrerorocherstore.com>, the goods are described as an “artisanal reinvention of Ferrero Rocher.” Such activity not only undermines the Complainant’s intellectual property rights but also potentially jeopardizes public health by selling modified food products under a famous brand without quality control. This illegitimate nature is further evidenced by the suspiciously low pricing.

Under these circumstances, no nominative fair use as a reseller can be invoked, as the criteria established in the “Oki Data” test are not met (*Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)). The Respondent failed to prominently disclose its lack of affiliation and, moreover, used the Complainant’s marks to sell modified or infringing versions of the original products. Additionally, the registration of multiple domain names containing the Complainant’s mark suggests an attempt to unfairly monopolize such terms. [WIPO Overview 3.1](#), section 2.8.

¹ Noting the general powers of a panel articulated in paragraphs 10 and 12 of the UDRP Rules, it is well-established that a panel may undertake limited factual research into public records if such information is useful to assessing the case merits and reaching a decision. [WIPO Overview 3.1](#), section 4.8.

Panels have consistently held that the use of a domain name for illegal activity - including the sale of counterfeit or unlicensed goods, or passing off - can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

The current deactivation of the website at <ferrerorochershop.com> does not alter these conclusions. This disputed domain name remains active in its DNS configuration with MX records, suggesting potential use for email communications. Given the disputed domain name's composition, any such communication would inherently generate a false impression of affiliation.

Finally, the Panel finds that the combination of a well-known mark with terms like “shop” or “store” carries an inherent risk of implied affiliation, making any claim to rights or legitimate interests by the Respondent inconceivable.

Accordingly, 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 finds that the totality of the circumstances points to the registration and use of the disputed domain names in bad faith.

The Complainant's trademarks are internationally well-known and have been extensively used worldwide, including in the Philippines, where the Respondent is located according to the Registrar verification. Given this widespread notoriety, it is evident that the Respondent targeted the Complainant and its trademarks to unlawfully profit from their reputation.

Furthermore, given the extreme distinctiveness and worldwide notoriety of the FERRERO ROCHER marks and the composition of the disputed domain names, the Panel finds that it is inconceivable that the Respondent could put the disputed domain names to any good-faith use. The Respondent's choice of domain names that entirely incorporate such a famous brand, combined with the nature of the content previously hosted, leaves no doubt that the Respondent's primary intent was to exploit the goodwill associated with the Complainant's marks.

In this respect, the use of the disputed domain names to host websites that prominently display the Complainant's marks and imagery to sell purported replicas - or, as the Respondent terms them, “artisanal reinventions” - clearly establishes bad faith. UDRP panels have consistently held that the use of a domain name for such illegitimate or illegal activity constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

Furthermore, the Panel finds that the disclaimer included at the end of the “About Us” section - stating that the site is “not an official flagship store” - is neither clear nor prominently displayed. Such a note, tucked away in a section included in the footer, is easily overlooked by Internet users and cannot cure the Respondent's bad faith. On the contrary, considering the overall context of the case, the Panel views the inclusion of this note as an implicit admission by the Respondent that its conduct is likely to cause confusion [WIPO Overview 3.1](#), section 3.7.

The Respondent's bad faith is further corroborated by its established pattern of registering domain names that incorporate the reputed trademarks of third parties. This history of abusive registrations confirms a systematic intent to exploit the intellectual property of others.

Accordingly, having reviewed the record, the Panel finds that the Respondent's registration and use of the disputed domain names constitute bad faith under the Policy. Specifically, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion

with the Complainant's marks as to the source, sponsorship, affiliation, or endorsement of the websites and the products offered therein, within the meaning of paragraph 4(b)(iv) of the Policy. Such activity likely involves the sale of counterfeit goods or unauthorized replicas, which poses a serious threat not only to the Complainant's reputation but also to public health.

Additionally, the Panel notes that the presence of active MX records in the DNS configuration of the disputed domain name <ferrerorochershop.com> implies a potential use of the disputed domain name for email communications and significantly heightens the risk of deceptive activities, such as phishing. Any email originating from an address incorporating the Complainant's famous trademark would inherently mislead recipients into believing the communication is official, further evidencing 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 <ferrerorochershop.com> and <ferrerorocherstore.com> be transferred to the Complainant.

/Reyes Campello Estebanz/

Reyes Campello Estebanz

Sole Panelist

Date: April 30, 2026