ADMINISTRATIVE PANEL DECISION
Hershey Chocolate & Confectionery LLC v. Chen
Case No. D2026-1635

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 Chen, China.

2. The Domain Name and Registrar

The disputed domain name <hersheylandz.com> (the "Disputed Domain Name") is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 16, 2026. On April 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 20, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 April 29, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 19, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 26, 2026.

The Center appointed Monica Novac as the sole panelist in this matter on May 29, 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 trademarks.

The Complainant and its affiliated companies own numerous trademark registrations for HERSHEY and HERSHEY'S worldwide, including the following:

- United States Trademark Registration No. 1,455,684 HERSHEY, registered on September 1, 1987, for services in classes 35, 37, 40, 41 and 42;

- United States Trademark Registration No. 54,041 HERSHEY'S, registered on June 19, 1906, for goods in class 30; and

- United States Trademark Registration No. 863,592 HERSHEY'S, registered on January 14, 1969, for goods in classes 1, 5, 29, 30, 31 and 32.

The Complainant's HERSHEY'S trademark has been used in connection with candy, chocolate and confectionery products since 1894.

Previous UDRP panels have already recognized the well-known character of the HERSHEY and HERSHEY'S trademarks in various jurisdictions.

The Complainant and its licensees have achieved billions of dollars of sales under the HERSHEY and HERSHEY'S trademarks throughout the United States and the world.

The Complainant also owns the domain name <hersheys.com> (registered on March 8, 1999), which currently redirects to the Complainant's main website at <hersheyland.com> (registered on January 3, 2004) that is used to communicate with the public about the Complainant's products, history and business.

The Respondent is reportedly located in China. The Respondent registered the Disputed Domain Name on March 7, 2026. According to the Complainant's allegations and the evidence in the Complaint, on the date of filing the Complaint (or at least on April 2, 2026), the Disputed Domain Name resolved to a website which purported to offer for sale, among others, likely counterfeit goods that compete with the Complainant's authentic HERSHEY'S products, or non-existent products that were never shipped to purchasers. As shown by the Complainant, the webpage at the Disputed Domain Name unlawfully displayed (i) the same "hersheyland" name in the distinctive font used by the Complainant on its main website at <hersheyland.com>, positioned under a similar stylized silhouette rainbow sunburst logo, as well as (ii) a heading depicting the Complainant's HERSHEY'S trademark together with HERSHEY'S-related candy products, in an apparent attempt to impersonate the Complainant.

At the date of rendering this Decision, when accessed by the Panel, the Disputed Domain Name resolves to an inactive website.

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 HERSHEY and HERSHEY'S trademarks;

- the Respondent has no rights or legitimate interests in the Disputed Domain Name; and

- the Disputed Domain Name has been registered and it is being used in bad faith.

B. Respondent

The Respondent did not reply to the Complainant's 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 Complainant's trademarks 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 HERSHEY trademark is reproduced within the Disputed Domain Name. Accordingly, the Disputed Domain Name is confusingly similar to the Complainant's trademark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

The Disputed Domain Name also contains the term "landz", which most likely represents a misspelling of "lands" (i.e. the plural form of the noun "land"). However, the Panel finds that the addition of this element does not prevent a finding of confusing similarity between the Disputed Domain Name and the Complainant's trademark for the purposes of the Policy. According to the WIPO Overview 3.1, section 1.8, where the relevant trademark is recognizable within the Disputed Domain Name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.

According to the WIPO Overview 3.1, section 1.11.1, the generic Top-Level Domain ".com" in the Disputed Domain Name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Further to all 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 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.

It is accepted by the Panel that the Respondent is not affiliated in any way with the Complainant and that the Complainant has not authorized the Respondent to register or use its trademarks or the Disputed Domain Name. There is also no evidence that the Respondent is commonly known by the Disputed Domain Name.

Although at the time of this Decision, the Disputed Domain Name resolves to an inactive webpage, as per the Complainant's contentions, the Disputed Domain Name used to resolve to a website which purported to offer for sale likely counterfeit goods competing with the Complainant's authentic HERSHEY'S products, or non-existent products that were never shipped to purchasers. Further to the Complainant's allegations and evidence filed, said website also displayed a logo which is highly similar to the "HERSHEYLAND" logo used by the Complainant on its own webpage, as well as a heading showing the Complainant's HERSHEY'S trademark together with HERSHEY'S-related candy products. After analyzing the evidence presented, the Panel notes that the website at the Disputed Domain Name further exhibited the statement "© 2026 The Hershey Company. All Rights Reserved.", which is a formal copyright notice informing the public that the content therein is protected by copyright and belongs to The Hershey Company. In the Panel's view, this unauthorized use of the Complainant's branding and copyright notice constitutes a clear attempt by the Respondent to impersonate the Complainant.

It has been established that "a respondent's use of a domain name will not be considered 'fair' if it falsely suggests affiliation with the trademark owner; the correlation between a domain name and the complainant's mark is often the central starting point to this inquiry". WIPO Overview 3.1, section 2.5.

The Panel notes that the Complainant has not provided any clear evidence showing that the goods offered for sale via the website at the Disputed Domain Name were actually counterfeit products as opposed to genuine products, or whether they represent a fraudulent online shop offering non-existent goods that were never shipped.

In case these goods were indeed counterfeit, or if the website was operating as a fraudulent e-commerce scheme under the guise of an official online storefront, UDRP panels have held that the use of a domain name for illegal activity (e.g. the sale of counterfeit goods, impersonation or other types of fraud) can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1. Should these goods be genuine products, the Respondent would not make fair use of the Complainant's trademark in the Disputed Domain Name. UDRP panels have recognized resellers or distributors may have a legitimate interest to nominally use a trademark for its source-identifying function under certain circumstances, and such fair use is qualified under the so-called "Oki Data test" as per section 2.8.1 of the WIPO Overview 3.1. Nevertheless, in the present matter, there is no evidence that the Respondent would meet the requirements of the "Oki Data test", especially given the absence of any prominent disclaimer regarding the lack of relationship between the Respondent and the Complainant and the obvious attempt to impersonate the Complainant through the unauthorized use of its trademarks and logos and a deceptive copyright notice.

In view of the above, the Panel considers that the Respondent registered and used the Disputed Domain Name with the ultimate intent to mislead the Internet users and to erroneously make them believe that the Disputed Domain Name is operated by or associated with the Complainant. The composition of the Disputed Domain Name, coupled with its former use as explained above, signals the Respondent's intention to deceive consumers into believing that the website at the Disputed Domain Name is official, thereby taking unfair advantage of the Complainant's marks.

The Panel is of the opinion that the Respondent does not use the Disputed Domain Name in connection with a bona fide offering of goods or services, nor does it make a legitimate noncommercial or fair use of the Disputed Domain Name as per the Policy.

The Respondent did not respond to the Complainant's contentions, thus the Respondent did not present any evidence for supporting any rights or legitimate interests in the Disputed Domain Name.

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

C. Registered and Used in Bad Faith

The Panel refers to its considerations under section 6.B. above.

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.

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 the present case, the Panel notes that the Complainant registered and used its HERSHEY and HERSHEY'S trademarks before the Respondent registered the Disputed Domain Name. In view of the long-lasting presence of the Complainant, the well-known character of its trademarks, the composition of the Disputed Domain Name, as well as its previous use (as explained above), it is unlikely that the Respondent was not aware of the Complainant's trademarks and business when registering the Disputed Domain Name. The Panel considers that the Respondent targeted the Complainant when registering the Disputed Domain Name.

Moreover, panels have consistently found that the mere registration of a domain name that is confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a well-known trademark, and particularly in the case of coined or fanciful marks, can by itself create a presumption of bad faith. WIPO Overview 3.1, section 3.1.4.

Additionally, the Panel is of the opinion that the Respondent registered the Disputed Domain Name with the intent to mislead Internet users into believing that the website at the Disputed Domain Name is affiliated with or endorsed by the Complainant, which further supports a finding of the Respondent's bad faith.

Having reviewed the totality of the evidence presented, the Panel considers that the circumstances of this case fall within the provisions of paragraph 4(b)(iv) of the Policy, which states that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] web site or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of [the respondent's] web site or location or of a product or service on [the respondent's] web site or location" is evidence of registration and use in bad faith. The Panel is of the opinion that the Respondent's intention was to attract Internet users to the webpage at the Disputed Domain Name, by creating a likelihood of confusion and making them believe that said webpage is held, controlled by or related to the Complainant, for the Respondent's commercial gain.

Furthermore, the use of the Disputed Domain Name for illegitimate activity (here, claimed sale of counterfeit goods, impersonation or other types of commercial fraud) constitutes bad faith. WIPO Overview 3.1, section 3.4.

At the time of this Decision, the Disputed Domain Name does not resolve to an active webpage. However, panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. WIPO Overview 3.1, section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and worldwide reputation of the Complainant's trademarks, as well as the composition and prior use of the Disputed Domain Name, and finds that in the circumstances of this case, the current passive holding of the Disputed Domain Name does not prevent a finding of bad faith under the Policy.

The Panel also notes the Respondent's failure to submit a response in the present proceeding, which may be considered as a further indication of the Respondent's bad faith.

Having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

Further to all the above, 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 <hersheylandz.com> be transferred to the Complainant.

/Monica Novac/
Monica Novac
Sole Panelist
Date: June 11, 2026