

## **ADMINISTRATIVE PANEL DECISION**

Perfetti Van Melle S.p.A. v. ted ted  
Case No. D2026-2142

### **1. The Parties**

The Complainant is Perfetti Van Melle S.p.A., Italy, represented by Studio Barbero S.p.A., Italy.

The Respondent is ted ted, Canada.

### **2. The Domain Name and Registrar**

The disputed domain name <perfettivanmelle.com> is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 18, 2026. On May 19, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 20, 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 Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 21, 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 May 22, 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 May 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 17, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 18, 2026.

The Center appointed Gilberto Martins de Almeida as the sole panelist in this matter on June 23, 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 Perfetti Van Melle S.p.A., an Italian confectionery manufacturer formed in 2001 following the merger of Perfetti S.p.A. and Van Melle N.V. It operates globally through 44 operating companies and 34 manufacturing facilities, distributing confectionery products in over 150 countries under brands including MENTOS, CHUPA CHUPS, FRUITTELLA, and PERFETTI VAN MELLE.

The Complaint is based on the Complainant's registered trademark rights in, among others: (i) International Trademark No. 775789 for PERFETTI VAN MELLE, registered on November 8, 2001; (ii) European Union Trademark No. 000089417 for PERFETTI, registered on April 30, 1998; and (iii) United States Trademark No. 2890724 for PERFETTI VAN MELLE, registered on October 5, 2004, in Classes 5 and 30.

The Complainant also owns numerous domain names incorporating its PERFETTI VAN MELLE mark, including <perfettivanmelle.com>, registered on July 3, 2002, by its affiliated company Perfetti Van Melle Benelux B.V., which operates as the Complainant's principal website. The disputed domain name, <perfettivanmelle.com>, was registered on June 30, 2025. According to the Complaint, it has resolved to an inactive website since the Complainant became aware of it, although Mail Exchange ("MX") records were configured, indicating potential use for email communications.

The Respondent is identified on the public WHOIS records as "Redacted for Privacy, Super Privacy Service LTD c/o Dynadot." The Complaint states that the disputed domain name was registered without the Complainant's authorization. The Complainant sent a cease-and-desist letter on September 18, 2025, followed by several reminders, requesting transfer of the disputed domain name. According to the Complaint, the Respondent did not reply, prompting the filing of the present UDRP proceeding.

#### **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 its PERFETTI VAN MELLE trademark, in which it has established rights through longstanding use and trademark registrations. It argues that the Respondent has no rights or legitimate interests in the disputed domain name, having neither been authorized to use the Complainant's mark nor become commonly known by the disputed domain name.

The Complainant further submits that the disputed domain name was registered and is being used in bad faith. It argues that the Respondent was necessarily aware of the Complainant's well-known trademarks at the time of registration, which indicates the Respondent's bad faith, according to the Complainant.

##### **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 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.

Almost the entirety of the mark is reproduced within the disputed domain name, except for the letter "m" of the PERFETTI VAN MELLE trademark which is replaced by "rn". Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), sections 1.7, and 1.9.

The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

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 established 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.

The Panel notes the typosquatting nature of the disputed domain name, which would likely mislead Internet users into believing that the disputed domain name is operated or affiliated with the Complainant.

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

### **C. Registered and Used in Bad Faith**

The Panel notes that, for purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, including, 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 notes, in line with the examples of bad faith under paragraph 4(b)(iv) of the Policy, that the Respondent has intentionally attempted, for commercial gain, to attract Internet users by creating likely confusion with the Complainant's mark.

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.

Panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's trademark, and the misleading composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of 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 <perfettivanrnelle.com> be transferred to the Complainant.

*/Gilberto Martins de Almeida/*  
**Gilberto Martins de Almeida**  
Sole Panelist  
Date: July 1, 2026