

ADMINISTRATIVE PANEL DECISION

Hershey Chocolate & Confectionery LLC v. zheng
Case No. D2026-2342

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 zheng, China.

2. The Domain Name and Registrar

The disputed domain name <hersheysshopus.com> 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 May 29, 2026. On June 1, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 2, 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 sent an email communication to the Complainant June 2, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

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 June 10, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 30, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 1, 2026.

The Center appointed Tobias Zuberbühler as the sole panelist in this matter on July 3, 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 confectionary company.

The Complainant owns numerous HERSHEY and HERSHEY'S trademarks, including United States trademark registrations No. 54,041 and 863,592, each with a first use date of January 1, 1894.

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

The disputed domain name was registered on April 3, 2026, and resolves to a website displaying the HERSHEY trademark and 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.

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.

B. Respondent

The Respondent has not submitted any 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.

The trademark HERSHEY'S is reproduced 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.

Although the addition of other terms (here "shop" and "us") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

The Panel finds that 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 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 that 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 finds that the composition of the disputed domain name incorporating the Complainant’s trademark together with the terms “shop” and “us”, coupled with the use of the disputed domain name to resolve to a website purporting to be affiliated with the Complainant, does not amount to a bona fide offering of goods or services.

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

C. Registered and Used in Bad Faith

Under the circumstances of this case, including the composition and use of the disputed domain name incorporating the Complainant’s HERSHEY’S and HERSHEY mark together with the terms “shop” and “us”, it can be inferred that the Respondent was aware of the Complainant’s mark when registering the disputed domain name.

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, 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.

Having reviewed the available record, and noting the composition of the disputed domain name and the use made thereof, under the circumstances of this case, the Panel finds that the use of the disputed domain name creates a likelihood of confusion with the Complainant’s trademark under paragraph 4(b)(iv) of the Policy. In particular, the Respondent’s use of the disputed domain name to present itself as the Complainant, while using the Complainant’s trademarks and purportedly offering and promoting goods under the brands of the Complainant and third parties, demonstrates an intention to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant’s trademarks. Therefore, the disputed domain name was registered and is being used in 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 name <hersheysshopus.com> be transferred to the Complainant.

/Tobias Zuberbühler/

Tobias Zuberbühler

Sole Panelist

Date: July 17, 2026