ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
FRUGGIES FOODS v. hoaquynh, hoa quynh and Privacy Department, IceNetworks Ltd.
Case No. D2026-3159

1. The Parties

The Complainant is FRUGGIES FOODS, France, represented by Ooslo Avocats, France.

The Respondents are hoaquynh, hoa quynh, France, and Privacy Department, IceNetworks Ltd., Iceland.

2. The Domain Names and Registrars

The disputed domain name <fruggies-france.com> is registered with Internet Domain Service BS Corp and the disputed domain name <frugiesfrance.com> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 17, 2026. On July 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On July 17, 2026, and July 20, 2026, the Registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Domain Admin, Whois Privacy Corp., and User #b6eb71df Privacy, See PrivacyGuardian.org) and contact information in the Complaint.

The Center sent an email communication to the Complainant on July 22, 2026, with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrars, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on July 26, 2026.

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 Respondents of the Complaint, and the proceedings commenced on July 29, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 18, 2026. The Respondents did not submit any response. Accordingly, the Center notified the Respondents' default on August 19, 2026.

The Center appointed Gareth Dickson as the sole panelist in this matter on September 4, 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 FRUGGIES FOODS, a simplified joint-stock company ("société par actions simplifiée"). The Complainant markets online preparations for beverages made from freeze-dried fruit and vegetables sourced from organic farming, under the trade mark FRUGGIES (the "Mark"), through its e-commerce website accessible via the domain name <fruggies.com>, which itself was registered on July 7, 2016. The Complainant states that it enjoys significant reputation in this sector and gained media exposure through an appearance on the French television programme "Qui Veut Être Mon Associé" in 2023.

The Complainant is the owner of a portfolio of trade mark registrations for the Mark, including the following:

- French trade mark registration No. 4908378, registered for FRUGGIES on February 10, 2023;

- European Union trade mark registration No. 018867036, registered for FRUGGIES on September 22, 2023; and

- French trade mark registration No. 5178507, registered for FRUGGIES (figurative) on December 26, 2025.

The Complainant also owns a portfolio of domain names incorporating the Mark across numerous generic Top-Level Domains ("gTLDs") and country-code Top-Level Domains ("ccTLDs"), including <fruggies.fr>, <fruggies.de>, <fruggies.co>, and <fruggies.eu>.

The disputed domain name <fruggies-france.com> was registered on June 9, 2026.

The disputed domain name <frugiesfrance.com> was registered on July 4, 2026.

The registrants of both disputed domain names have given the same e-mail address as part of their registrations of those disputed domain names.

The disputed domain names resolve to websites which mimic the presentation of the Complainant's own website at <fruggies.com>, including the Complainant's corporate identification details, and which reproduce the Mark in connection with the offer for sale of freeze-dried fruit and vegetable products identical to those marketed by the Complainant.

In an earlier decision under the Policy, *Fruggies Foods v. hoaquynh, hoa quynh*, WIPO Case No. D2026 2489, decided on July 16, 2026, the panel ordered the transfer to the Complainant of the domain names <fruggiefrance.com> and <fruggiesfrance.com>, which had been registered by a respondent identified by the same name as the first Respondent in this Complaint. Both of the disputed domain names in this Complaint appear to use the same email address for the registrant's contact information as the respondent in WIPO Case No. D2026-2489.

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 names.

The Complainant requests that the disputed domain names, though registered in the names of two nominally different registrants, be consolidated into a single proceeding pursuant to paragraphs 3(c) and 10(e) of the Rules, on the basis that the registrations are under common control: the registrants share an identical e-mail address; the disputed domain names were registered within a short period of one another and follow the same naming pattern combining the Mark with the geographic term "France"; both disputed domain names resolve to websites of similar content and layout used for the same purpose of impersonating the Complainant's website and Mark; both registrations were shielded by a privacy service; and a prior decision under the Policy has already found the registrant by the same name as one of the Respondents, using the same e-mail address as this Respondent, to have engaged in an abusive registration targeting the Mark.

Furthermore, the Complainant contends that the disputed domain names are confusingly similar to the Mark, reproducing it in near-identical form with the mere addition of the term "France" and, for one of the disputed domain names, a hyphen, and, for the other, the omission of one letter "g".

The Complainant contends that the Respondents have no rights or legitimate interests in the disputed domain names because the Respondents are not commonly known by the disputed domain names, have not been authorized by the Complainant to use the Mark, and use the disputed domain names to operate copycat websites reproducing the Complainant's Mark and website in connection with the sale of identical products, rather than in connection with a bona fide offering of goods or services.

The Complainant contends that the disputed domain names were registered and are being used in bad faith to intentionally attract, for commercial gain, Internet users to the Respondents' websites by creating a likelihood of confusion with the Mark, including by reference to the Respondents' shared e-mail address and the prior decision under the Policy evidencing a pattern of similar conduct.

B. Respondents

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

6. Discussion and Findings

Consolidation: Multiple Respondents

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the domain name registrants are the same entity or mere alter egos of each other, or under common control. The Complainant requests the consolidation of the Complaint against the multiple disputed domain name registrants pursuant to paragraphs 3(c) and 10(e) of the Rules.

The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.11.2.

As regards common control, the Panel notes that the registrants of the disputed domain names share an identical e-mail address; that the disputed domain names were registered within a short period of one another and follow an closely similar naming pattern combining the Mark with the geographic term "France"; that both disputed domain names resolve to websites of similar content and layout, used for the same purpose of reproducing the Complainant's website and Mark in connection with the sale of identical products; and that the registrations of both disputed domain names were shielded by privacy services prior to disclosure by the Registrar; and that a prior decision under the Policy, *Fruggies Foods v. hoaquynh, hoa quynh*, WIPO Case No. D2026-2489, has already found the registrant "hoa quynh", using the same e-mail address, to have engaged in an abusive registration targeting the Mark, demonstrating a pattern of conduct. Taken together, the Panel finds that these elements are sufficient to establish that the disputed domain names are subject to common control.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

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 trade mark and the disputed domain name. WIPO Overview 3.1, section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The Panel finds the Mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the Mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

The disputed domain name <fruggies-france.com> reproduces the Mark in its entirety with the addition of a hyphen and the term "France." The disputed domain name <frugiesfrance.com> differs from the Mark only by the omission of one letter "g", which is likely to be a common misspelling of the Mark and does not reduce the recognition of the Mark in the disputed domain name, and the addition of the term "France". WIPO Overview 3.1, section 1.9.

Although the addition of the term "France" 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 names and the Mark for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

The Panel further notes that the addition of the gTLD ".com" is a standard technical registration requirement and does not prevent a finding of confusing similarity between the disputed domain names and the Mark.

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 has not come forward with evidence of any of the circumstances set out in paragraph 4(c) of the Policy. There is no evidence that the Respondent is commonly known by the disputed domain names, and the Complainant has not authorized the Respondent to use the Mark. The disputed domain names resolve to websites that the Complainant states closely reproduce its own website, and which reproduce the Mark in connection with the purported offer for sale of products identical to those of the Complainant. This use does not constitute a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain names.

Panels have held that the use of a domain name for illegitimate activity, here, copycat sites and passing off, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

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 notes that the Respondent has used the disputed domain names, which reproduce the Mark in near-identical form, to operate websites which reproduce the Complainant's own website and the Mark, purportedly offering for sale products identical to those of the Complainant, creating the impression that the websites are operated by, or affiliated with, the Complainant. The Panel finds that, by this conduct, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the Mark as to the source, sponsorship, affiliation, or endorsement of those websites, within the meaning of paragraph 4(b)(iv) of the Policy.

Panels have held that the use of a domain name for illegitimate activity, here, copycat sites and passing off, constitutes bad faith. WIPO Overview 3.1, section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

The Panel further notes that the Respondent has been the subject of a prior decision under the Policy, *Fruggies Foods v. hoaquynh, hoa quynh*, WIPO Case No. D2026-2489, in which the panel found that the registrant "hoa quynh," using the same e-mail address as the Respondent in this proceeding, had registered and used other domain names incorporating the Mark in bad faith, and ordered their transfer to the Complainant. This history of similar conduct further supports a finding that the Respondent registered and has used the disputed domain names 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 names <fruggies-france.com> and <frugiesfrance.com> be transferred to the Complainant.

/Gareth Dickson/
Gareth Dickson
Sole Panelist
Date: September 21, 2026