ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Hershey Chocolate & Confectionery LLC v. Huchenfang
Case No. D2026-4055

1. The Parties

The Complainant is Hershey Chocolate & Confectionery LLC, United States of America ("US" or "United States"), represented by Arnold & Porter Kaye Scholer LLP, US.

The Respondent is Huchenfang, China.

2. The Domain Name and Registrar

The disputed domain name <hersheystoreus.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 September 9, 2026. On September 10, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 11, 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 September 25, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 15, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 23, 2026.

The Center appointed Clive Duncan Thorne as the sole panelist in this matter on October 26, 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, together with its affiliated companies, is one of the leading US chocolate and confectionery companies that sells numerous brands of chocolate and confectionery products, including under the marks HERSHEY and HERSHEY'S, throughout the US and elsewhere.

The Complainant has registered numerous trade marks for the marks HERSHEY and HERSHEY'S throughout the world. At Annex 5 to the Complaint, it exhibits a table setting out a list of many of these trade mark registrations including in Canada, China, US, Argentina, Australia, Brazil, European Union, Hong Kong, China, Japan, Taiwan Province of China, United Arab Emirates and United Kingdom.

The Complainant relies specifically upon three US trade mark registrations for which copies of the certificates of registration are exhibited at Annex 4 to the Complaint. These are:

- HERSHEY'S, No. 54,041, registered June 19, 1906 (first use January 1, 1894) for "CHOCOLATE, COCOA, SWEET CHOCOLATE, MILK CHOCOLATE, CHOCOLATE COATINGS, [CHOCOLATELIQUORS,] AND CHOCOLATE POWDER" in class 30.

- HERSHEY'S, No. 863,592, registered January 14, 1969 (first use January 1, 1894) for inter alia "SEMI-SWEET CHOCOLATE, COCOA, SWEET CHOCOLATE, MILK CHOCOLATE […]" in classes 1, 5, 29, 30, 31, and 32.

- HERSHEY, No. 1,455,684, registered September 1, 1987 for, inter alia, "CHAMBER OF COMMERCE SERVICES" in classes 35, 37, 40, 41, and 42.

The Complainant points out that the marks HERSHEY and HERSHEY'S have been widely advertised and promoted in television, print, online and other advertising. As a result of extensive advertising and sales under those marks in the US and throughout the world, they have become famous as designating the Complainant's products.

Earlier UDRP cases referred to in the Complaint have recognized the Complainant's well-established rights in those marks including *Hershey Chocolate & Confectionery LLC v. yu ling cheng,* WIPO Case No. D2022-3374 recognizing the Complainant's rights in the mark HERSHEY'S for its products "throughout the USA and the world".

The Complainant also owns a number of domain names which it uses to communicate with the public about its Hershey's products including <hersheys.com>, <hershey.com>, and <hersheyland.com>. The Complainant exhibits at Annex 6 screenshots from its retail store website at the subdomain <shop.hersheys.com> and the domain name <hersheyland.com> including chocolate and caramel products offered for sale under the mark HERSHEY'S.

The Complainant points out that the disputed domain name was registered on July 10, 2026, which is after the date of registration of the Complainant's trademarks relied upon.

In the absence of a Response, little is known about the Respondent who is registered as Huchenfang with the contact address given as Shanghai, China. At Annex 1 to the Complaint, the Complainant exhibits the Respondent's website which is headed as "The Hershey's Store" and referred to as "the Official HERSHEY'S Online Store". It purports to offer for sale chocolate and confectionery products including predominantly those bearing the Complainant's HERSHEY'S mark as well as products bearing a number of other brands at discounted prices.

In the absence of a Response, the Panel finds the evidence adduced by the Complainant to be true.

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:

i. The disputed domain name is confusingly similar to the Complainant's marks HERSHEY and HERSHEY'S both of which are wholly incorporated in the disputed domain name;

ii. There is no evidence that the Respondent has any rights or legitimate interests in the disputed domain name; and

iii. The evidence shows that the Respondent has registered the disputed domain name and is using it in bad faith with full knowledge of the Complainant's prior rights in the marks HERSHEY and HERSHEY'S.

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 trade mark 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 marks HERSHEY and HERSHEY'S (save for the apostrophe) are reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms here, the addition of "storeus" to "Hershey" or the addition of "toreus" to "Hershey's" may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the marks for the purposes of the Policy. WIPO Overview 3.1, section 1.8.

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.

In this Complaint, it is apparent from the evidence and in particular the Respondent's website as exhibited at Annex 1 that the Respondent has intentionally registered the disputed domain name explicitly for the purpose of misleading Internet users as to a bona fide association with the Complainant and giving an illegitimate and fraudulent impression that he is authorized by the Complainant in order to promote and sell apparently counterfeit goods bearing the Complainant's HERSHEY'S mark and to pass off his business as that of the Complainant.

The Panel also finds that the addition of "storeus" to the HERSHEY mark in the disputed domain name, comprising the dictionary term "store" (which describes the purpose of the Respondent's website) and "us" (a possible reference to the United States), creates a risk of implied affiliation between the disputed domain name and the Complainant.

Panels have held that the use of a domain name for illegitimate or illegal activity here, claimed as applicable to this case: sale of apparently counterfeit goods, passing off, or other types of fraud 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 in registering the disputed domain name must have done so in bad faith by doing so with full knowledge of the Complainant's rights in its marks HERSHEY and HERSHEY'S. Apart from being aware of the longstanding and widespread use of the marks, the Respondent created the website for the purpose of passing it off as "the Official HERSHEY'S Online Store". The Complainant also relies upon the use by the Respondent of the Complainant's KISS/KISSES logo which is used in the website header and which appears to be a reproduction of a logo used on the packaging of the Complainant's KISSES chocolate product.

The Panel also takes into account that the Respondent purports to present himself as responsible for making available the HERSHEY branded products offered on the website, stating that the Respondent is committed to "making amazing products available at affordable prices, without compromising on quality".

The Panel is satisfied from the evidence that the bad faith factors enumerated in paragraph 4(b)(iv) of the Policy have been satisfied. The Respondent has intentionally attracted Internet users to his website for commercial gain “by creating a likelihood of confusion with the complainant’s mark”.

Panels have held that the use of a domain name for illegitimate or illegal activity, here, claimed, sale of apparently counterfeit goods, passing off or other types of fraud constitutes bad faith. WIPO Overview 3.1, Section 3.4. Having considered the Complainant’s evidence of the Respondent’s illegal activity, the Panel finds that the Respondent’s registration and use of the disputed domain name constitutes 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 <hersheystoreus.com> be transferred to the Complainant.

/Clive Duncan Thorne/
Clive Duncan Thorne
Sole Panelist
Date: November 5, 2026