ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Hershey Chocolate & Confectionery LLC v. Hassan Morales
Case No. D2026-4057

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 Hassan Morales, United States.

2. The Domain Name and Registrar

The disputed domain name <hersheypark.pro> 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 17, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 7, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 8, 2026.

The Center appointed Nels T. Lippert as the sole panelist in this matter on October 16, 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 numerous well-known brands of chocolate and confectionery products which bear the Complainant's HERSHEY and HERSHEY'S marks. The Complainant's HERSHEY'S trademark has been used in connection with candy, chocolate and confectionery products since 1894.

The Complainant's licensee owns and operates the HERSHEYPARK amusement park in the United States and offers related goods and services, including lodging under the HERSHEYPARK mark.

The Complainant owns numerous trademark registrations for HERSHEY, HERSHEY'S and HERSHEYPARK in the United States and other countries including:

> HERSHEY, United States Registration No. 1,455,684, registered September 1, 1987;
> HERSHEY'S, United States Registration No. 54,041, registered June 19, 1906; and
> HERSHEYPARK, United States Registration No. 1,440,229, registered May 19, 1987.

The Complainant and its licensees operate various websites and use domain names including, <hersheys.com> and <hersheypark.com>.

The disputed domain name was registered on August 18, 2026. At the time of filing the Complaint, the disputed domain name resolved to a website that closely mimicked and used images from the <hersheypark.com> domain name operated by the Complainant's licensee, and purportedly offered admission tickets and lodging for the Complainant's park.

The Respondent apparently is an individual residing in the United States.

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 identical to the Complainant's registered trademark because it consists entirely of the HERSHEYPARK mark or is confusingly similar because it consists of the HERSHEY mark and the term "park".

The Complainant asserts that the Respondent has no affiliation, sponsorship or connection with the Complainant and has not been authorized by the Complainant to register or use the Complainant's trademark in the disputed domain name. The Complainant further argues that the Respondent was not commonly known by the disputed domain name. Furthermore, the Complainant asserts that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services. Rather, the Complainant asserts that the Respondent intentionally registered the disputed domain name for the purpose of misleading Internet users and making an illegitimate and fraudulent impression that the disputed domain name is authorized by the Complainant in order to sell apparently counterfeit goods that compete with authentic products and services of the Complainant and to fraudulently pose as the Complainant. In particular, the Complainant notes that the disputed domain name resolves to a website that uses the identical HERSHEYPARK mark of the Complainant, presents the same logo format that is used by the Complainant's licensee with the same type style and with the same sunburst logo that is used on the legitimate HERSHEYPARK website. The Complainant argues that the use of the Complainant's logo and trademark establishes the Respondent is attempting to create confusion with the Complainant's domain name and trademarks.

The Complainant argues that the Respondent registered the disputed domain name in bad faith by doing so with full knowledge of the Complainant's rights in the marks. Furthermore, the Complainant asserts that the Respondent's registration and use of the disputed domain name creates initial interest confusion, which attracts Internet users to the disputed domain name and leads visitors to falsely believe that the disputed domain name is the Complainant's website, thus demonstrating bad faith use and registration.

B. Respondent

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

6. Discussion and Findings

As noted above, the Respondent did not respond to the Complainant's contentions. Under the Rules, paragraphs 5(f) and 14(a), the effect of a default by the Respondent is that, in the absence of exceptional circumstances, the Panel shall proceed to a decision on the basis of the Complaint. The Panel does not find any exceptional circumstance in this case.

Paragraph 4(a) of the Policy provides that in order to divest a respondent of a domain name, a complainant must demonstrate each of the following:

(i) the domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and

(ii) the respondent has no rights or legitimate interests in respect of the domain name; and

(iii) the domain name has been registered and is being used in bad faith.

Under paragraph 15(a) of the Rules, "[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable".

In this case, the Panel finds that as a result of the Respondent's failure to submit a Response, the Respondent has failed to rebut any of the reasonable factual assertions that are made and supported by evidence submitted by the Complainant. By failing to respond, the Respondent has failed to offer the Panel any of the types of evidence set forth in paragraph 4(c) of the Policy or otherwise, from which the Panel might conclude that the Respondent has any rights or legitimate interests in the disputed domain name.

Moreover, the Respondent failed to provide any information or reasoning that might rebut the Complainant's arguments that the Respondent has acted in bad faith.

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 entirety of the HERSHEYPARK mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Furthermore, it is well established that the applicable Top-Level Domain in a domain name is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test. WIPO Overview 3.1, section 1.11.1.

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.

Panels have held that the use of a domain name for illegal activity – here, claimed copycat sites, 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 from the evidence presented that the Respondent unquestionably registered and has used the disputed domain name to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark, which constitutes registration and use of the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy. WIPO Overview 3.1, section 3.1.4.

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 <hersheypark.pro> be transferred to the Complainant.

/Nels T. Lippert/
Nels T. Lippert
Sole Panelist
Date: October 30, 2026