ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Tootsie Roll Industries, LLC v. Tayler Khan
Case No. D2026-4173

1. The Parties

The Complainant is Tootsie Roll Industries, LLC, United States of America ("U.S."), represented by Wolf, Greenfield & Sacks, P.C., U.S.

The Respondent is Tayler Khan, U.S.

2. The Domain Name and Registrar

The disputed domain name <tootsiesnacks.com> is registered with TuringSign Inc. d/b/a Cosmotown (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 16, 2026. On September 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 21, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 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 September 23, 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 September 24, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 14, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 15, 2026.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on October 20, 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, a confectionery company, owns numerous trademark registrations for either TOOTSIE or TOOTSIE ROLL including but not limited to:

- U.S. Reg. No. 75,218 for the trademark TOOTSIE, registered on September 14, 1909, in International Class 30 for chocolate candy;
- U.S. Reg. No. 963,446 for the trademark TOOTSIE ROLL, registered on July 10, 1973, in International Class 28 for toy banks; and
- U.S. Reg. No. 1,080,381 for the trademark TOOTSIE, registered on December 27, 1977, in International Class 20 for plastic containers for candy.

Since at least the early 1900's, the Complainant and its predecessors, affiliates and licensees have continuously used its TOOTSIE Marks in association with its registered goods in class 30.

The disputed domain name was registered on December 17, 2025. The disputed domain name does not resolve to an active website but previously resolved to a website displaying the Complainant's trademarks and purportedly offering the Complainant's products for sale.

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 disputed domain name is confusingly similar in sound, sight, and meaning to the TOOTSIE marks and is intended to trick consumers into believing that they are accessing the genuine Complainant's website at "www.tootsie.com". The disputed domain name contains the identical mark TOOTSIE. Accordingly, the marks and the disputed domain name are confusingly similar.

The Respondent is not associated with or authorized by the Complainant.

The Complainant has priority over the Respondent's use because the Complainant and its predecessors, affiliates and licensees have used the TOOTSIE marks in commerce since at least as early as the early 1900's and the Respondent registered the disputed domain name on December 17, 2025.

By using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's web site or other on-line location, by creating a likelihood of confusion and actual confusion with the Complainant's TOOTSIE marks as to the source, sponsorship, affiliation of the Respondent's website or location or of a product or service on the Respondent's web site or location and the Respondent has, otherwise, registered the domain name primarily for the purpose of disrupting the business of the Complainant.

The disputed domain name website is used for the sole purpose of confusing and phishing the Complainant's customers to provide their information to the holder of the fraudulent domain name. The use of a domain name for per se illegitimate activity such as the sale of counterfeit goods or phishing can never confer rights or legitimate interests on a respondent, such behavior is manifestly considered evidence of bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated it owns long-standing registered trademark rights in the famous TOOTSIE mark. The Top-Level Domain ("TLD") ".com" is viewed as a standard registration requirement and as such may be disregarded under the first element confusing similarity test. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.11. Accordingly, the disputed domain name reproduces the TOOTSIE mark in its entirety. The addition of the terms "snacks" 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.

Accordingly, the disputed domain name is confusingly similar to the mark in which the Complainant has rights and the first element of the Policy is established.

B. Rights or Legitimate Interests

The Complainant has presented a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name and has not been commonly known by the disputed domain name. The fact that the Respondent registered the disputed domain name which incorporates the Complainant's registered and globally famous TOOTSIE trademark and merely adds the terms "snacks" indicates that the Respondent likely sought to impersonate the Complainant and piggyback on the mark for illegitimate reasons. Further, the Respondent's use of the disputed domain name to purportedly resell the Complainant's products did not comply with the test laid down in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. D2001-0903, as the website did not accurately and prominently disclose the Respondent's relationship (or lack thereof) with the Complainant.

After a complainant has made a prima facie case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd*., WIPO Case No. D2003-0455.

Here, the Respondent has not come forward with any evidence of any rights or legitimate interests in the disputed domain name. Moreover, the use of a domain name for illegal activity, such as passing off, can never confer rights or legitimate interests upon a respondent. WIPO Overview 3.1, section 2.13.

In the absence of any evidence rebutting the Complainant's prima facie case indicating the Respondent's lack of rights or legitimate interests in respect of the disputed domain name, the Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel finds that the Complainant has satisfied its burden of proof in establishing the Respondent's bad faith in registration and use of the disputed domain name. Paragraph 4(b)(iv) of the Policy states that evidence of bad faith may include a respondent's use of a domain name to intentionally attempt to attract Internet users, for commercial gain.

Due to the renown and uniqueness of the TOOTSIE mark, it is inconceivable that the Respondent registered the disputed domain name without knowledge of the Complainant. The disputed domain name was used for a website that purportedly offered the Complainant's products for sale, but the Complainant has established that the Respondent's use is not authorized, nor is affiliated with the Complainant in any way. The facts establish a deliberate effort by the Respondent to cause confusion with the Complainant for commercial gain

or potentially for phishing purposes. Such impersonation of the Complainant is sufficient to establish the Respondent's bad faith (see section 3.1.4 of the WIPO Overview 3.1). Under these circumstances, the Panel finds no plausible good faith reason for the Respondent's conduct and concludes that the disputed domain name was registered and used in bad faith.

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 <tootsiesnacks.com> be transferred to the Complainant.

/Colin T. O'Brien/
Colin T. O'Brien
Sole Panelist
Date: November 3, 2026