Decision for dispute CAC-UDRP-107862

Case number	CAC-UDRP-107862
Time of filing	2025-08-21 12:02:00
Domain names	russell-stover-candies.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	Gro Brenden

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the holder of numerous earlier rights, including but not limited to the following:

Trademark	Origin	Registration Number	Registration Date	Class(es) Covered
RUSSELL STOVER	US	739454	16 Oct 1962	30
RUSSELL STOVER	MX	421292	4 Sep 1992	30
RUSSELL STOVER	CA	TMA442500	5 May 1995	30
RUSSELL STOVER	EUTM	004342077	28 Apr 2006	30, 35

RUSSELL STOVER	International Registration	1243266	28 Jan 2015	29, 30, 35, 43

FACTUAL BACKGROUND

The Panel accepts the following as non-contested facts based upon the record as filed, and in the absence of any submission by the Respondent.

The Complainant, founded in 1845, is a well-known chocolate maker based in Switzerland. As a leader in the market of chocolate, the Complainant produces chocolates from 12 production sites owned by the Complainant in Europe and the United States. These are sold by 38 subsidiaries and branch offices, as well as via a network of over 100 independent distributors around the globe. The Complainant also operates more than 500 shops. With around 15,000 employees, the Complainant reported sales of CHF 5.47 billion in 2024. Over the years, the Complainant has expanded its brand portfolio abroad and acquired chocolate businesses including Hofbauer and Küfferle (1994), Caffarel (1997), Ghirardelli (1998) and Russell Stover (2014).

The Complainant acquired the United States-based entity then known as Russell Stover Candies, LLC in 2014 for approximately USD 1.6 billion. This transaction was widely reported in multiple online news sources.

Russell Stover was founded in 1923 in Denver, Colorado, and has been headquartered in Kansas City, Missouri, since 1932. The company adopted the name Russell Stover Candies in 1943, having previously operated as Stover's Bungalow Candies. In 2016, the entity's legal name was changed to Russell Stover Chocolates, LLC. Today, Russell Stover chocolates are produced in the United States at three factories and are available for purchase in 13 retail locations. In 2022, the Russell Stover division of the Complainant generated sales of USD 377 million.

The Complainant has advertised its products online via the domain name <russellstover.com> for more than two decades. It also holds the domain names <russellstover.net> (registered in 2010) and <russellstover.us> (registered in 2014). The Complainant previously owned the disputed domain name <russell-stover-candies.com> (registered in 1997) which lapsed in early 2025. Historical domain registration records confirm its previous ownership by the Complainant and, prior to the 2014 acquisition, by Russell Stover. Internet Archive records further show that, for at least a decade before it lapsed, the domain was configured to redirect to the official Russell Stover website at <RUSSELLSTOVER.COM>.

The Complainant's RUSSELL STOVER brand maintains a substantial social media presence, with approximately 48,000 followers on Facebook, 21,000 followers on Instagram , and 10,000 followers on LinkedIn.

The Complainant's rights predate the registration of the domain name on 23 June 2025.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.
No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

According to Paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements to obtain an order that the disputed domain name should be transferred or cancelled:

(i) the disputed 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 disputed domain name; and

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

The Panel has examined the evidence available to it and has come to the following conclusion concerning the satisfaction of the three elements of paragraph 4(a) of the Policy in these proceedings:

EARLIER RIGHTS

The Complainant has established rights in the name RUSSELL STOVER. The disputed domain name <RUSSELL-STOVER-CANDIES.COM> is found to be confusingly similar to the Complainant's trademark. This finding is based on the settled practice in evaluating the existence of a likelihood of confusion of:

1. disregarding the top-level suffix in the domain names (i.e. ".COM") in the comparison; and
2. finding that the simple combination of a trademark (i.e. RUSSELL STOVER) and a generic or geographic term or abbreviation would not be considered sufficient to distinguish a domain name from a trademark. In this case, the addition of the generic term "CANDIES" which is descriptive for one of the core products of the Complainant, does not prevent a finding of confusing similarity any more than the hyphens placed between the words. The domain name is confusingly similar to the rights of the Complainant.

The disputed domain name is therefore found to be confusingly similar to the earlier rights in the name RUSSELL STOVER, and the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

The onus to make out a prima facie case that the Respondent lacks rights or legitimate interests is placed on the Complainant. However, once such a prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

The Respondent has no rights or legitimate interests in the disputed domain name. The Complainant and the Respondent have not had any previous relationship other than these previous alternative dispute resolution proceedings related to the very name RUSSELL STOVER and a preceding cease-and-desist letter from the Complainant to the Respondent.

The Complainant has never granted the Respondent any rights to use the RUSSELL STOVER trademark in any form, including in the disputed domain name. There is no evidence before the Panel indicating that the Respondent is commonly known by the disputed domain name. The disputed domain name does not resolve to any active content.

There is no available evidence that the Respondent engages in, or has engaged in any activity or work, i.e., legitimate or fair use of the disputed domain name, or that would demonstrate a legitimate interest in the disputed domain name, so that there is nothing that could be interpreted as rights or legitimate interests of the Respondent. Since the Respondent has not responded, the Respondent has also failed to put forward any arguments at all which could change this finding.

In the absence of use of the disputed domain name in connection with a bona fide offering of goods and services, the above demonstrates the Respondent's absence of rights or legitimate interests in respect of the disputed domain name.

The Panel therefore concludes that the Respondent did not refute the Complainant's prima facie case and has not established any rights or legitimate interest in the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy). The Complainant

has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

BAD FAITH

The Panel finds that the Complainant has established that the disputed domain name was registered by the Respondent and is being used by the Respondent in bad faith.

The name RUSSELL STOVER is distinctive and well known for the goods offered by the Complainant. The Respondent has copied the Complainant's trademark RUSSELL STOVER in the disputed domain name.

As in other cases, in which Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding, this must be considered here.

The Domain Name was previously owned by the Complainant until its lapse in early 2025. For at least a decade before lapsing, the Domain Name was configured to redirect to the Complainant's official website at <RUSSELLSTOVER.COM>. The Respondent's re-registration of a domain name clearly and exclusively associated with the Complainant underscores its awareness of the Complainant's existing rights and shows the intention to capitalize on the Domain Name's established association with the Complainant.

The Complainant highlights that its RUSSELL STOVER mark is readily identifiable in publicly accessible trademark databases. Additionally, the top results from a basic Google search of both 'russell stover' and 'russell-stover-candies' clearly pertain to the Complainant's offerings. Notwithstanding any other considerations, the simplest degree of due diligence would have made any prospective registrant of the Domain Name aware of the Complainant's rights in the internationally established RUSSELL STOVER mark.

Further, the Respondent's selection of a domain name comprising the Complainant's well-known RUSSELL STOVER mark together with the term 'candies' can only be interpreted as additional evidence of knowledge of the Complainant, the Complainant's business and the intention to draw benefit from it. The term 'candies' directly relates to the Complainant's core product offerings and has historically formed part of its corporate name, further reinforcing the association. Internet users encountering this combination of terms are likely to believe that the Domain Name is an official online location of the Complainant, underscoring the Respondent's bad faith in registering the Domain Name.

In July 2025, the Complainant's representatives sent a cease-and-desist letter to the Respondent. The Respondent did not reply. This can also be seen as evidence of bad faith registration and use.

In addition to registering the Domain Name in bad faith, the Respondent has also used it in bad faith within the meaning of paragraph 4(a)(iii) of the Policy. The list of circumstances of bad faith under paragraph 4(b) of the Policy is non-exhaustive, and panels have consistently held that the non-use of a domain name (in this case, a domain name resolving to an error page) would not prevent a finding of bad faith under the doctrine of passive holding.

Relevant considerations include: '(i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put.'

As set out above, the RUSSELL STOVER brand – registered as a trademark for over 60 years – is well-established, widely known, and distinctive of the Complainant's offerings. The Complainant has operated its official website at <RUSSELLSTOVER.COM> for more than two decades and maintains a social media presence with tens of thousands of followers across its accounts. The Respondent has neither replied to the Complainant's cease-and-desist letter nor provided any evidence of actual or contemplated good-faith use of the Domain Name. In light of the renown of the RUSSELL STOVER mark and the Domain Name's composition, which closely imitates the Complainant's identity, any plausible good faith use by the Respondent appears inconceivable.

This implausibility is further underscored by the fact that, during the period reflected in available historical records and until its lapse in early 2025, the Domain Name was held by the Complainant (and, prior to the 2014 acquisition, by Russell Stover) and, for at least a decade before lapsing, was configured to redirect to the Complainant's official website at <RUSSELLSTOVER.COM>. This long-standing exclusive use in connection with the Complainant's business makes it even less conceivable that the Respondent could use the Domain Name for any legitimate purpose.

The Domain Name is configured with an MX (mail exchange) record, indicating that it is set up to receive email. In light of the Domain Name's composition – fully incorporating the RUSSELL STOVER mark and creating a high risk of implied affiliation – and the Respondent's lack of rights or legitimate interests, there is a clear risk that it could be used for phishing or other fraudulent email activities. Internet users receiving messages from an address ending in '@russell-stover-candies.com' would be highly likely to assume that such correspondence originates from the Complainant.

Having reviewed this case, the Panel notes the distinctiveness and the reputation of the Complainant's trademark on the one hand and the composition of the disputed domain name on the other as well as the clear indications pointing to active prior knowledge of the Respondent of the Complainant's rights in the name. Under these circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Consequently, there appears to the Panel to be no possible good faith reason for the Respondent to have selected the disputed

domain name, and there are demonstrable indications of bad faith present in this case.

The Panel therefore concludes that the Respondent has registered and is using the disputed domain name in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy). The Complainant has therefore also satisfied the requirements under paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **russell-stover-candies.com**: Transferred

PANELLISTS

Name	**Udo Pfleghar B.A. (Melb.)**

DATE OF PANEL DECISION 2025-09-23

Publish the Decision