Decision for dispute CAC-UDRP-108812

Case number	CAC-UDRP-108812
Time of filing	2026-07-03 10:38:42
Domain names	russellstoversale.com, russellstoversell.com, russellstoverus.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondents

Name	liuboyang
Name	tianhu
Name	Chen Dong er

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 names.

IDENTIFICATION OF RIGHTS

The Complainant is the registered owner of multiple trademark registrations for the mark RUSSELL STOVER across various jurisdictions worldwide, including in particular the following trademark registrations:

- RUSSELL STOVER (word), US Trademark Reg. No. 739454, registered on 16 October 1962, for goods in International Class 30 (chocolates and candy);
- RUSSELL STOVER (word), EU Trademark Filing. No. 004342077, registered on 28 April 2006, for goods and services in International Classes 30 and 35.

The Complainant is also the owner of numerous other national and international trademark registrations protecting the term "RUSSELL STOVER".

Collectively, the above trademarks are referred to as the “**Complainant’s Trademarks**.”

FACTUAL BACKGROUND

The **Complainant,** Chocoladefabriken Lindt & Sprüngli AG, is a well-known Swiss premium chocolate manufacturer founded in 1845. It operates on a global scale with 12 factories in Europe and the United States, over 15,000 employees, more than 40 subsidiaries, 600 proprietary stores, and a distribution network of around 100 distributors.

In 2025, the company reported total sales of CHF 5.92 billion. To expand its brand portfolio internationally over the years, the Complainant acquired several major chocolate businesses, including Hofbauer and Küfferle in 1994, Caffarel in 1997, Ghirardelli in 1998, and Russell Stover in 2014.

The acquisition of the US-based entity, then known as Russell Stover Candies, LLC, occurred in 2014 for approximately USD 1.6 billion and received widespread news coverage. Originally founded in 1923 in Denver, Colorado, Russell Stover relocated its headquarters to Kansas City, Missouri, in 1932 and formally adopted the name Russell Stover Chocolates, LLC in 2016. Today, the Russell Stover division operates three manufacturing facilities in the United States, maintains 13 retail locations, and generated USD 377 million in sales in 2024.

The **disputed domain names** were registered as follows:

<russellstoversale.com> was registered on 25 May 2026;

<russellstoversell.com> was registered on 5 June 2026; and

<russellstoverus.com> was registered on 4 June 2026.

All three **disputed domain name websites** (i.e. websites available under internet address containing the disputed domain names) prior to notice and suspension, resolved to active e-commerce sites impersonating official RUSSELL STOVER stores, displaying the Complainant's logos, listing discounted products, and soliciting sensitive personal and payment card credentials.

PARTIES CONTENTIONS

<u>COMPLAINANT:</u>

A) CONFUSING SIMILARITY

The Complainant states that:

- All Complainant’s Trademarks pre-date the registration of the disputed domain names.
- The disputed domain names incorporate the RUSSELL STOVER mark in its entirety, adding only non-distinctive descriptive or geographic terms (sale, sell, us) and the gTLD .com.
- The generic Top-Level Domains (“.com”) are disregarded for the purpose of assessing confusing similarity.

Accordingly, all disputed domain names are confusingly similar to trademarks in which the Complainant has rights under the Policy.

B) NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant states that:

- There is no evidence that the Respondent is commonly known by any of the disputed domain names or by the terms “RUSSELL STOVER”.
- The Respondent has no authorization or license to use the Complainant’s trademarks,
- The Respondent operated on the disputed domain names copycat stores using official branding, logos, and product photos to solicit users' sensitive personal and financial data.
- The Respondent fails the requirements for legitimate reseller activity because the sites failed to disclose the lack of affiliation, actively misrepresented the Complainant as the operator, and used deceptive copyright footers.
- Combining the full Complainant‘s Trademarks with terms like "sale", "sell", or "us" inherently suggests an official commercial channel or U.S. storefront, creating a high risk of implied affiliation that precludes fair use.
- The current suspension and inactivity of the disputed domain names following takedown requests do not cure prior abusive use or constitute a bona fide offering.

C) BAD FAITH REGISTRATION AND USE

The Complainant states that:

- The Complainant's RUSSELL STOVER Trademark has over 80 years of goodwill, extensive international trademark registrations, and well-established recognition in past UDRP decisions. Basic due diligence or online searches by the Respondent would have immediately revealed these rights.
- The disputed domain names combine the mark in full with commercial terms ("sale", "sell") or geographic indicators ("us"). This deliberate targeting was intentionally designed to evoke official, authorized retail channels and exploit brand goodwill.
- The disputed domain names resolved to fake online stores reproducing official branding, logos, and product imagery at steep discounts. The Respondent intentionally attracted users for commercial gain through confusion.
- The websites lacked disclaimers, featured fraudulent copyright footers, and engaged in phishing activities.
- Following takedowns, the current inactivity or suspension of the disputed domain names does not negate the prior bad faith use.

Taken cumulatively, the evidence demonstrates that the disputed domain names were registered and are being used in bad faith, including under paragraph 4(b)(iv) of the Policy

2. **RESPONDENT:**

The Respondent has not provided any response to the Complaint.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain names have been registered and are 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.

Consolidation Request

The Complainant has filed a request for consolidation.

Pursuant to paragraph 10(e) of the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), the Panel has discretion to decide a request by a party to consolidate multiple domain name disputes in accordance with the Policy and the Rules. Paragraph 3(c) of the Rules further provides that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

Where, as here, multiple domain names appear to be registered in the names of different respondents, consolidation may nevertheless be appropriate where the complainant establishes that (i) the disputed domain names are subject to common control, and (ii) consolidation would be fair and equitable to all parties (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“WIPO Overview 3.0”), section 4.11.2).

Common Control

The Panel grants the request for consolidation based on the following indicia of common control:

- The websites associated with <russellstoversale.com> and <russellstoversell.com> display near-identical layouts, font families, discount structures (70% off), product listings, and copyright notices ("© 2026 Russell Stover Chocolates, LLC").
- The website associated with <russellstoverus.com> follows the exact same fraudulent commercial model and branding structure.

- All three disputed domain names incorporate the Complainant's registered mark RUSSELL STOVER in full at the second level, combined with descriptive commercial terms (sale, sell) or geographic indicators (us), under the .com TLD.

- All three domain names were registered through the same registrar (PDR Ltd. d/b/a PublicDomainRegistry.com) within a narrow timeframe between 25 May 2026 and 5 June 2026.
- The Registrants are all located in China, use free Outlook e-mail accounts following identical lexical patterns (character strings followed by numerical digits), and share common location details.

The Panel further notes that one of the underlying registrants, Chen Dong er, has previously been found by a CAC Panel to have engaged in abusive domain name registration targeting well-known trademarks (see CAC-UDRP-108690). While that prior decision does not, in and of itself, establish that the three disputed domain names in the present proceeding are under common control, it is a relevant contextual factor that reinforces the inferences already drawn from the record.

Specifically, the Panel finds that the prior decision corroborates the pattern of conduct evident here in the following ways:

(i) it confirms that at least one of the named registrants is a demonstrated serial cybersquatter with a modus operandi of registering domain names incorporating third-party trademarks for illegitimate purposes, which is consistent with the pattern observed across the three disputed domain names;

(ii) it lends weight to the Complainant's contention that the registration of <russellstover-sale.com>, <russellstover-sell.com> and <russellstoverus.com> — each incorporating the RUSSELL STOVER mark in full, each combined with a short generic or geographic suffix, each registered within a narrow window between 25 May 2026 and 5 June 2026, each hosted on materially identical phishing infrastructure, and each shielded by the same privacy/proxy service — is unlikely to be the product of independent, unconnected actors; and

(iii) taken together with the technical, temporal, structural and behavioural commonalities already identified above, it supports the reasonable inference, on the balance of probabilities, that the three disputed domain names are subject to common control, whether by the same individual operating under different identities or by closely coordinated actors acting in concert.

The Panel emphasises that its finding of common control does not rest on CAC-UDRP-108690 alone; rather, that decision serves as an additional, corroborating indicium alongside the substantive commonalities in registration timing, naming convention, infrastructure and use.

Fairness and Equity

The Panel further finds that consolidation in this case is fair and equitable to all parties. The Respondent(s) have not come forward with any evidence to rebut the Complainant's assertions of common control, nor have they demonstrated that they would suffer any prejudice as a result of consolidation. On the contrary, consolidation promotes procedural efficiency, avoids the risk of inconsistent decisions, and reflects the reality that the disputed domain names form part of a single abusive scheme.

Panels in prior cases have granted consolidation in similar circumstances where multiple domain names, registered under different names and with different registrars, were shown to be part of a unified phishing or impersonation campaign (see, e.g., WIPO Case Nos. D2025-3144, D2025-3862, and D2025-3435).

Conclusion on Consolidation

The Panel concludes that the requirements for consolidation under paragraph 10(e) of the Rules and section 4.11.2 of WIPO Overview 3.0 are satisfied. The Panel therefore grants the Complainant's request to consolidate the disputes relating to all disputed domain names into a single proceeding.

Accordingly, the Complainant's request for consolidation is granted.

This proceeding shall continue on a consolidated basis with respect to all disputed domain names. For case management purposes, the Panel will refer to the respondent as the underlying registrant(s) operating through the identified privacy (proxy) service, collectively "the Respondent."

PRINCIPAL REASONS FOR THE DECISION

A) COMPLAINANT'S RIGHTS AND CONFUSING SIMILARITY

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(s) and the disputed domain name(s).

This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the trademark is recognizable within the disputed domain name.

In cases where a disputed domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in such domain name, the disputed domain name will normally be considered confusingly similar to that trademark for purposes of UDRP standing.

Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.

Applying the principles described above, the Panel finds that incorporation of a dominant "RUSSELL STOVER" element of Complainant's trademarks into the disputed domain names constitutes confusing similarity between Complainant's trademarks and the disputed domain names.

Addition of non-distinctive elements – generic words or abbreviations "sale", "sell", and "us" - cannot prevent the confusing similarity in the eyes of internet consumers between the disputed domain names and the Complainant's trademarks.

For the sake of completeness, the Panel asserts that the top-level suffix in the disputed domain name (i.e. the ".com") must be disregarded under the identity and confusing similarity tests as it is a necessary technical requirement of registration.

Consequently, the disputed domain names are 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).

B) NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names.

The Complainant shows that the Respondent is not commonly known by the disputed names and has never been affiliated with or authorized by the Complainant. The burden therefore shifts to the Respondent to demonstrate rights or legitimate interests under Paragraph 4(c) of the Policy.

The Panel further notes that the Respondent is not a licensee of the Complainant and has received no authorization, consent, or acquiescence to use the Complainant's trademarks in any manner, including as part of the disputed domain names.

The Respondent used the disputed domain names to host fake storefronts that copied the Complainant's visual branding and copyright notices to collect user financial data. Per section 2.13.1 of WIPO Overview 3.0, use of a domain name for illegal activity, passing off, or phishing can never confer rights or legitimate interests. Furthermore, the sites fail the Oki Data reseller criteria due to lack of authorization and misleading representations.

The Respondent has failed to submit any response or otherwise provide evidence to rebut the Complainant's prima facie case or to demonstrate any rights or legitimate interests in the disputed domain names.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names within the meaning of paragraph 4(a)(ii) of the Policy.

C) BAD FAITH

The Policy requires a finding of bad faith where a domain name is both registered and used in bad faith (paragraph 4(a)(iii)). The Panel considers the totality of circumstances in this case and finds that the disputed domain names were registered and are being used in bad faith.

(i) Bad Faith Registration

The Complainant's Trademarks possess an extensive, decades-long global reputation and a well-established commercial presence, with its foundational trademark registrations predating the registration of the disputed domain names in 2026 by more than sixty years.

Given the widespread renown of the Complainant's Trademarks within the confectionery sector, alongside the ease with which the Complainant's rights can be verified through standard trademark registers and search engine queries, it is inconceivable that the Respondent was unaware of the Complainant's brand at the time of registration.

This prior knowledge is further evidenced by the deliberate composition of the disputed domain names. By incorporating the RUSSELL STOVER name in its entirety and pairing it exclusively with highly specific commercial terms (sale, sell) and a geographic abbreviation (us), the Respondent directly targeted the Complainant's brand. Rather than being a plausible coincidence, this deliberate combination was designed to evoke official, authorized retail platforms and exploit the Complainant's goodwill, demonstrating clear intentional targeting at the time of registration.

(ii) Bad Faith Use

The Respondent's conduct falls squarely within Paragraph 4(b)(iv) of the Policy, as it intentionally used the disputed domain names to attract Internet users for commercial gain by creating a high likelihood of confusion with the Complainant's mark as to source, sponsorship, affiliation, or endorsement.

Prior to their suspension, the disputed domain names resolved to active, deceptive online storefronts that heavily featured the Complainant's RUSSELL STOVER trademark, logo, and product imagery, complete with deceptive copyright footers and heavily discounted offerings designed to mimic authorized retail channels.

By enticing unsuspecting consumers to browse products, add items to a cart, and proceed through a fake checkout process, the Respondent actively solicited sensitive personal and financial credentials.

Prior active bad-faith use is established, and subsequent takedown and suspension by the registrar cannot cure or mitigate it. Given the widespread reputation of the Complainant’s mark and the Respondent's demonstrated history of impersonation, the current inaction of the disputed domain names does not prevent a finding of bad faith registration and use under Paragraph 4(a)(iii) of the Policy.

Conclusion

Accordingly, the Panel concludes that the disputed domain names have been both registered and used in bad faith within the meaning of 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. **russellstoversale.com**: Transferred
2. **russellstoversell.com**: Transferred
3. **russellstoverus.com**: Transferred

PANELLISTS

Name	**Jiří Čermák**

DATE OF PANEL DECISION 2026-08-10

Publish the Decision