Decision for dispute CAC-UDRP-109087

Case number	CAC-UDRP-109087
Time of filing	2026-10-16 09:41:44
Domain names	russellstoverchoco.com

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	jiang wu zhen

OTHER LEGAL PROCEEDINGS

The Panel is unaware of any other pending or decided legal proceedings concerning the domain name <russellstoverchoco.com> (the "disputed domain name").

IDENTIFICATION OF RIGHTS

The Complainant, Chocoladefabriken Lindt & Sprüngli AG, relies upon registered trade mark rights in RUSSELL STOVER.

The Complainant owns numerous registrations for RUSSELL STOVER, including United States trade mark registration no. 739454, registered on 16 October 1962; Chinese trade mark registration no. 867156, registered on 28 August 1996; European Union trade mark registration no. 004342077, registered on 28 April 2006; and international registration no. 1243266, registered on 28 January 2015, designating, among other territories, China.

FACTUAL BACKGROUND

A. Complainant's Factual Allegations

The Complainant is a Swiss manufacturer and distributor of chocolate and confectionery products. It acquired the RUSSELL STOVER business in 2014 and markets products under that brand through retail outlets and online channels, including its official website at <russellstover.com>.

B. Respondent's Position

The Respondent did not file a Response.

C. Disputed Domain Name

The disputed domain name <russellstoverchoco.com> was registered on 17 September 2026 through EU Technology (HK) Limited. The Registrar identified the registrant as jiang wu zhen, located in China.

The evidence submitted with the Complaint shows that the disputed domain name was used for an English-language website displaying the RUSSELL STOVER trade mark, reproducing branded product imagery and offering chocolate products at discounted prices. The website presented itself as "Russell Stover Online Store", provided an online shopping facility and requested customers' contact and shipping information at checkout.

The Complainant states that the disputed domain name subsequently ceased resolving to an active website.

PARTIES CONTENTIONS

A. Complainant

A.1 Language of the Proceeding

The Complainant requests that English be adopted as the language of the proceeding, notwithstanding that the Registration Agreement is in Chinese.

The Complainant relies upon the disputed domain name's Latin-script composition, the English-language website and the Respondent's alleged registration of another domain name containing English words. The Complainant submits that these circumstances indicate familiarity with English and that requiring translation into Chinese would entail unnecessary cost and delay.

A.2 Identical or confusingly similar

The Complainant submits that it owns longstanding registered trade mark rights in RUSSELL STOVER. It contends that the disputed domain name incorporates the mark in its entirety, followed by "choco", a term associated with the Complainant's chocolate products, and that this addition does not prevent confusing similarity.

A.3 No rights or legitimate interests

The Complainant submits that the Respondent has no relationship with it, has never been authorised to use the RUSSELL STOVER trade mark and is not commonly known by the disputed domain name.

The Complainant contends that the Respondent used the disputed domain name to impersonate an official RUSSELL STOVER online store. It submits that such conduct cannot constitute a bona fide offering of goods or services or legitimate noncommercial or fair use.

A.4 Registered and used in bad faith

The Complainant submits that the Respondent registered the disputed domain name with knowledge of its RUSSELL STOVER trade mark and deliberately used it to attract Internet users to a misleading website for commercial gain.

The Complainant relies upon the reproduction of the RUSSELL STOVER trade mark, product imagery, online shopping facilities and requests for customer information. The Complainant maintains that the subsequent inactivity of the disputed domain name does not negate the evidence of bad faith.

A.5 Relief sought

The Complainant requests transfer of the disputed domain name.

B. Respondent

The Respondent has made no submissions.

RIGHTS

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

NO RIGHTS OR LEGITIMATE INTERESTS

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

BAD FAITH

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

PROCEDURAL FACTORS

1. Language of Proceeding

The Registrar confirmed that the language of the Registration Agreement is Chinese. The Complaint was filed in English, and the Complainant requests that English be adopted as the language of the proceeding.

Under Rule 11(a) of the UDRP Rules, the language of the proceeding is ordinarily that of the Registration Agreement, unless otherwise agreed by the parties or determined by the Panel having regard to the circumstances. In exercising that discretion, the Panel must ensure that the parties are treated equally and afforded a fair opportunity to present their cases, in accordance with Rule 10(b).

The Panel considers the English-language content of the website particularly relevant. The website used English throughout its product descriptions, shopping facilities and customer-facing information, providing an objective indication of the use of English in connection with the disputed domain name.

The Respondent did not participate in the proceeding or object to the use of English. The Panel does not, however, regard that silence as consent to a departure from Rule 11(a).

Having regard to the circumstances, including the English-language website and the interests of procedural fairness and expedition, the Panel determines that English is the language of the proceeding.

2. Miscellaneous

The Panel is satisfied that all procedural requirements under the UDRP Policy, the UDRP Rules and the CAC Supplemental Rules have been met and that there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

A. Applicable Legal Framework

Pursuant to Rule 15 of the UDRP Rules, the Panel decides on the basis of the statements and evidence submitted, in accordance with the UDRP Policy, the UDRP Rules and any applicable principles of law that it deems applicable.

Under paragraph 4(a) of the UDRP Policy, the Complainant must establish, on the balance of probabilities, that:

> (i) the disputed domain name is identical or confusingly similar to a trade mark or service mark in which the Complainant has rights;
>
> (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 Respondent's default does not relieve the Complainant of its burden of proof.

B. Identical or confusingly similar

The Complainant has established registered trade mark rights in RUSSELL STOVER.

The disputed domain name incorporates the mark in its entirety, without the space between its constituent words, followed by "choco". This addition does not prevent the mark from remaining clearly recognisable. The generic Top-Level Domain <.com> does not affect the assessment of confusing similarity.

The Panel therefore finds that the first element of paragraph 4(a) of the UDRP Policy has been established.

C. Rights or Legitimate Interests

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

There is no evidence that the Respondent has been authorised to use the RUSSELL STOVER trade mark or is commonly known by the disputed domain name.

The evidence shows that the disputed domain name was used for a website reproducing the Complainant's trade mark and product imagery and presenting itself as a RUSSELL STOVER online store. The Panel considers that the website was calculated to create the false impression that it was operated or authorised by the Complainant. Such use cannot constitute a bona fide offering of goods or services or legitimate noncommercial or fair use.

The Respondent has provided no evidence capable of rebutting the Complainant's prima facie case.

The Panel therefore finds that the second element of paragraph 4(a) of the UDRP Policy has been established.

D. Registered and Used in Bad Faith

The Complainant's registered rights in RUSSELL STOVER substantially predate the registration of the disputed domain name on 17 September 2026.

The disputed domain name incorporates the RUSSELL STOVER trade mark in its entirety, followed by "choco", which directly relates to the Complainant's products. The use of the disputed domain name for a website displaying RUSSELL STOVER branding and purporting to offer its products confirms that the Respondent deliberately targeted the Complainant.

The Panel is satisfied that the Respondent intentionally attempted to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trade mark as to the source, sponsorship, affiliation or endorsement of the website. Such conduct falls within paragraph 4(b)(iv) of the UDRP Policy.

The website also requested customers' contact and shipping information. Although there is no evidence that any transaction was completed or that such information was misused, these features support the finding of deceptive use. The reported subsequent inactivity of the disputed domain name does not displace the evidence of its earlier use in bad faith.

Accordingly, the Panel finds that the third element of paragraph 4(a) of the UDRP Policy has been established.

E. Decision

For the foregoing reasons, in accordance with paragraph 4(i) of the UDRP Policy and Rule 15 of the UDRP Rules, the Panel orders that the disputed domain name <russellstoverchoco.com> be transferred to the Complainant, Chocoladefabriken Lindt & Sprüngli AG.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **russellstoverchoco.com**: Transferred

PANELLISTS

Name	**Yana Zhou**

DATE OF PANEL DECISION 2026-11-12

Publish the Decision