Decision for dispute CAC-UDRP-109032

Case number	CAC-UDRP-109032
Time of filing	2026-09-25 16:28:59
Domain names	russellstoverusa.com

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	Michelle Perez

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 owns trademark registrations for RUSSELL STOVER as set out below.

Trademark	Jurisdiction	Registration Number	Registration Date	Class(es) Covered
RUSSELL STOVER [device]	International	1807417	3 July 2024	30
RUSSELL STOVER [device]	United States	5741842	30 April 2019	30
RUSSELL			28 January	29, 30, 35,

STOVER	International	1243266	2015	43
RUSSELL STOVER	Switzerland	667889	30 December 2014	29, 30, 35, 43
RUSSELL STOVER	European Union	004342077	28 April 2006	30, 35
RUSSELL STOVER	Canada	TMA442500	5 May 1995	30
RUSSELL STOVER	United States	739454	16 October 1962	30

FACTUAL BACKGROUND

The Complainant is a Swiss company, established in 1845. It manufactures premium chocolate. The Complainant acquired the RUSSELL STOVER brand in 2014 and it now forms an important part of the Complainant's business in the United States.

The Complainant's owns numerous trademarks registrations for the RUSSELL STOVER mark in multiple jurisdictions.

The Respondent registered the disputed domain name on 1 September 2026 using a privacy service.

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

Paragraph 4(a) of the Policy requires the Complainant to prove that:

i. the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
ii. the Respondent has no rights or legitimate interests in the disputed domain name; and
iii. the disputed domain name has been registered and used in bad faith.

IDENTICAL OR CONFUSINGLY SIMILAR

It is well accepted that the first element functions primarily as a standing or threshold requirement. The test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name.

The disputed domain name incorporates the Complainant's RUSSELL STOVER trademark and adds the letters "usa", which is an abbreviation for the United States of America. The Complainant's mark is clearly recognisable in the disputed domain name. The addition of the geographic term "usa" does not avoid a finding of confusing similarity. The addition of the top-level domain ".com" can be disregarded when assessing confusing similarity.

The Panel concludes that the disputed domain name is confusingly similar to the Complainant's trademark and that the requirements of Paragraph 4(a)(i) of the Policy have been met.

NO RIGHTS OR LEGITIMATE INTERESTS

Complainant maintains that there is no basis upon which the Respondent could claim any rights or legitimate interests in the disputed domain name states that:

i. the Complainant has not permitted or licensed the Respondent to use its RUSSELL STOVER mark, nor consented to the Respondent registering the disputed domain name;
ii. the Respondent is not commonly known by the disputed domain name;
iii. the Respondent has not used the disputed domain name for a legitimate noncommercial or fair purpose, instead the disputed domain name was previously used in a manner that indicates an intention to create a misleading association with the Complainant and its mark;
iv. the disputed domain name directed Internet users to a website designed to give the appearance of being an official RUSSELL STOVER online store, which offered products for sale at substantial discounts and requested users at checkout to submit personal information and payment card information; and
v. the website included the copyright statement "© 2026 Russell Stover Chocolates, LLC", which is identical to the notice used on the Complainant's official website at https://www.russellstover.com/, further contributing to the false appearance that the website was operated by, affiliated with, or authorised by the Complainant.

The Complainant has established a prima facie case that the Respondent lacks rights or a legitimate interest in the disputed domain name. There is no evidence to show that the Respondent is commonly known as the disputed domain name. The Respondent is not affiliated with, nor authorised by the Complainant, nor has any business with the Complainant. The Respondent's use of the disputed domain name for a website giving the false impression that is somehow associated the Complainant is not a bona fide offering of goods or services, nor a legitimate noncommercial or fair use of the disputed domain name.

The burden now shifts to the Respondent to show relevant rights. The Respondent has not filed a Response nor disputed any of the Complainant's assertions.

Considering all the factors outlined above, the Panel finds that the Respondent lacks rights or a legitimate interest in the disputed domain name and the requirements of paragraph (a)(ii) of the Policy has been satisfied.

REGISTERED AND USED IN BAD FAITH

The Complainant's distinctive trademark is incorporated in the disputed domain name. That domain name is then used for a website that features the Complainant's trademark, mimics the Complainant's website and pretends to be the Complainant. The Panel concludes that the Respondent knew of the Complainant's rights when she acquired the disputed domain name and has registered and used it in bad faith and that the requirements the requirements of paragraph (a)(iii) of the Policy have been met.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **russellstoverusa.com**: Transferred

PANELLISTS

Name	**Veronica Bailey**

DATE OF PANEL DECISION 2026-11-20

Publish the Decision