Decision for dispute CAC-UDRP-108014

Case number	CAC-UDRP-108014
Time of filing	2025-10-06 13:22:10
Domain names	ghirardelll.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Organization	Tiley

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

Chocoladefabriken Lindt & Sprüngli AG (the "Complainant") is the owner of the United States trademark GHIRARDELLI, registered almost 100 years ago, on November 17, 1925 (Reg. No. 205776), in class 30 and the European Union trademark GHIRARDELLI, registered on July 27, 2005 (Reg. No. 003716453), in classes 30, 35, 42, 43. There are many other national and international registrations of this trademark, owned by the Complainant.

FACTUAL BACKGROUND

The Complainant, founded in 1845, is globally well-known as the leading premium quality chocolate maker based in Switzerland. The Complainant acquired the Ghirardelli Chocolate Company ('Ghirardelli') in 1998. Ghirardelli, one of the oldest US-based chocolate companies, was founded in 1852 and is headquartered in San Francisco, California. In 2022, Ghirardelli generated sales of USD 727 million. Ghirardelli chocolates are sold through numerous stores, retail partners and wholesale distributors.

The Complainant also owns domain names containing the trademark GHIRARDELLI, such as the domain names <ghirardelli.com>, <ghirardelli.us>, <ghirardelli.shop>, etc.

The disputed domain name <ghirardelll.com> was registered on August 11, 2025, i.e. almost 100 years after the first registration of the Complainant's GHIRARDELLI globally well-known trademark, and has been used in an email-based impersonation and phishing scheme. Namely, the Respondent configured the disputed domain name with MX records and used it to send fraudulent emails purporting to originate from an employee of Ghirardelli.

The disputed domain name was suspended and placed on a 'clientHold' status following a request to the applicable registrar. This suggests that the registrar reviewed the matter and determined that the Respondent's conduct was inconsistent with applicable registration terms and policies.

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

The Panel agrees with the Complainant that the disputed domain name <ghirardelll.com> is confusingly similar to the Complainant's trademark GHIRARDELLI. The evidence presented by the Complainant shows the extensive use of its trademark internationally, and it is, therefore, regarded as a well-known trademark. The substitution of the final letter 'i' with the visually similar 'l' leads to the conclusion that the Complainant's trademark is evidently recognizable in the disputed domain name. The domain names that incorporate common or intentional misspellings of a mark, including through character substitution, are considered confusingly similar (see section 1.9 of WIPO Overview 3.0).

The Panel acknowledges that the Complainant presented prima facie evidence that the Respondent is not sponsored by or affiliated with Complainant in any way. Furthermore, the Complainant has not licensed, authorized, or permitted Respondent to use Complainant's trademarks in any manner, including in domain names. The Respondent's name does not resemble the disputed domain name in any manner. Respondent's use of the disputed domain name does not constitute a bona fide offering of goods or services or a legitimate non-commercial or fair use.

On these bases, the Panel concludes that the Respondent does not have any rights or legitimate interests in regard to the disputed domain name.

As no administratively compliant response has been provided to the Panel and the prima facie evidence was not challenged by the Respondent, the Panel concludes that the Respondent meant Complainant's trademark GHIRARDELLI, when he/she registered the disputed domain name <ghirardelll.com> (see WIPO Overview 3.0, para. 3.1.3 and 3.2). Previous UDRP panels have consistently

found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. Accordingly, the Panel finds that the disputed domain name was registered in bad faith.

The use of a domain name for purposes other than to host a website – such as phishing, identity theft, or sending deceptive emails – may constitute bad faith (see section 3.4 of WIPO Overview 3.0). The Complainant provided evidence that the Respondent has used the disputed domain name to send deceptive emails in an attempt to obtain payments through fraudulent means. Previous panels have held that the use of a domain name for illegal activity, such as phishing, constitutes bad faith. Moreover, the disputed domain name has been suspended and placed on a 'clientHold' status, which suggests that the registrar reviewed the matter and determined that the Respondent's conduct was inconsistent with applicable registration terms and policies. In conclusion, the Panel finds that the disputed domain name was used in bad faith 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. **ghirardelll.com**: Transferred

PANELLISTS

Name	**Darius Sauliūnas**

DATE OF PANEL DECISION 2025-11-01

Publish the Decision