Decision for dispute CAC-UDRP-108225

Case number	CAC-UDRP-108225
Time of filing	2025-12-10 12:20:59
Domain names	ghirerdalli.vip, ghirerdallis.vip

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	Pi Te

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 holder of various registered trademarks comprised of, or containing, the sign GHIRARDELLI, including:

- GHIRARDELLI, registered with the USPTO under 205776 since November 17, 1925, covering goods in class 30;
- GHIRARDELLI, registered with the USPTO under 1645206 since May 21, 1991, covering goods and services in classes 16, 18, 21, 24, 25, 30, 42;
- GHIRARDELLI, registered with the EUIPO under No. 003716453 since July 27, 2005, covering goods and services in classes 30, 35, 42, 43.

FACTUAL BACKGROUND

The Complainant, Chocoladefabriken Lindt & Sprüngli AG, is a Swiss chocolatier and confectionery company founded in 1845.

The Complainant is the owner of various registered trademarks comprised of, or containing, the sign GHIRARDELLI. The Complainant is also the holder of the domain name <ghirardelli.com>, which is used as a webshop for chocolates under the GHIRARDELLI trademark.

According to the registrar, the disputed domain name <ghirerdalli.vip> has been registered on October 18, 2025 (October 19, 2025 according to the whois records).

According to the registrar, the disputed domain name <ghirerdallis.vip> has been registered on November 2, 2025 (November 3, 2025 according to the whois records).

According to the Complainant's evidence, the disputed domain name <ghirerdalli.vip> has been used to resolve to a website purportedly offering GHIRARDELLI chocolates for sale. Both disputed domain names currently do not resolve to an active website.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain names 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 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 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.

PRINCIPAL REASONS FOR THE DECISION

Paragraph 15 of the Rules provides that the Panel is to decide the complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

The onus is on the Complainant to make out its case and it is apparent, both from the terms of the Policy and the decisions of past UDRP panels, that the Complainant must show that all three elements set out in Paragraph 4 (a) of the Policy have been established before any order can be made to transfer a domain name. As the proceedings are administrative, the standard of proof is the balance of probabilities.

Thus, for the Complainant to succeed it must prove, within the meaning of Paragraph 4(a) of the Policy and on the balance of probabilities that:

1. The domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
2. The Respondent has no rights or legitimate interests in respect of the domain names; and
3. The domain names have been registered and are being used in bad faith.

The Panel has therefore dealt with each of these requirements in turn.

1. Identity of confusing similarity

The Complainant must first establish that there is a trademark or service mark in which it has rights. Since the Complainant is the holder of the registered GHIRARDELLI trademark, which is used in connection with the Complainant's business, it is established that there is a trademark in which the Complainant has rights.

The Panel observes that both disputed domain names incorporate the GHIRARDELLI trademark, but inverses the letters "a" and "e". The Panel finds that the inversion of these two vowels in the Complainant's mark can be considered as "typosquatting" and is confusingly similar to the Complainant's mark (see section 1.9 of the WIPO Overview 3.0).

The Panel finds that the Complainant's mark is recognizable in the disputed domain names, and that the mere addition of the letter "s" in the disputed domain name <ghirerdallis.vip> does not prevent a finding of confusing similarity between this disputed domain name and the mark for the purposes of the Policy (see WIPO Overview 3.0, section 1.8).

Additionally, it is well established that generic Top-Level Domains ("gTLDs"), here ".vip", may be disregarded when considering whether a disputed domain name is confusingly similar to a trademark in which a complainant has rights.

In light of the above, the Panel considers the disputed domain names to be confusingly similar to the Complainant's GHIRARDELLI trademark.

2. No rights or legitimate interests

Under paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

It is established case law that it is sufficient for the Complainant to make a prima facie showing that the Respondent has no right or legitimate interest in the disputed domain names in order to shift the burden of proof to the Respondent (see section 2.1 WIPO Overview 3.0 and Champion Innovations, Ltd. V. Udo Dussling (45FHH), WIPO case No. D2005-1094; Croatia Airlines d.d. v. Modern Empire Internet Ltd., WIPO case No. D2003-0455; Belupo d.d. v. WACHEM d.o.o., WIPO case No. 2004-0110).

The Panel notes that the Respondent has not been commonly known by the disputed domain names and that the Respondent has not acquired trademark or service mark rights. According to the information provided by the Registrar, the Respondent is known as "pi te". The Respondent's use and registration of the disputed domain names was not authorized by the Complainant. There are no indications that a connection between the Complainant and the Respondent existed.

Fundamentally, a respondent's use of a domain name will not be considered "fair" if it falsely suggests affiliation with the trademark owner.

Beyond looking at the domain names and the nature of any additional terms appended to it, UDRP panels assess whether the overall facts and circumstances of the case, such as the content of the website linked to the disputed domain names and the absence of a response, support a fair use or not (see sections 2.5.2 and 2.5.3 of the WIPO Overview 3.0).

According to the Complainant's undisputed evidence, the disputed domain name <ghirerdalli.vip> resolved to a website purporting to offer goods identical or at least similar to the Complainant's goods and incorporating the look and feel of the Complainant's website. In the Panel's view, this does not amount to a bona fide offering of goods and services.

The disputed domain names currently do not appear to resolve to active web pages and, according to the Complainant, the disputed domain name <ghirerdallis.vip> never did. In the Panel's view, this does not amount to any legitimate noncommercial or fair use or use in connection with a bona fide offering of goods and services either, especially given the use of a typosquatted version of the Complainant's distinctive GHIRARDELLI mark in both disputed domain names.

The Respondent had the opportunity to demonstrate his rights or legitimate interests but did not do so. In the absence of a Response from the Respondent, the prima facie case established by the Complainant has not been rebutted.

Therefore, the Panel finds that the Complainant has established that the Respondent has no rights or legitimate interests in the disputed domain names.

3. Bad faith

Complainant must prove on the balance of probabilities that the disputed domain names were registered in bad faith and that these are being used in bad faith (see section 4.2 WIPO Overview 3.0 and e.g. Telstra Corporation Limited v. Nuclear Marshmallow, WIPO Case No. D2000-0003; Control Techniques Limited v. Lektronix Ltd, WIPO Case No. D2006-1052).

According to the Panel, the awareness of a respondent of the complainant and/or the complainant's trademark rights at the time of registration can evidence bad faith (see Red Bull GmbH v. Credit du Léman SA, Jean-Denis Deletraz, WIPO Case No. D2011-2209; Nintendo of America Inc v. Marco Beijen, Beijen Consulting, Pokemon Fan Clubs Org., and Pokemon Fans Unite, WIPO Case No. D2001-1070).

In the present case, the Panel finds that it is inconceivable that the Respondent was unaware of the Complainant and its trademark rights when it registered the disputed domain names, as the disputed domain names consist of an obvious misspelling of the Complainant's trademark and at least one has been used to refer to a website copying the look and feel of the Complainant's

website and purportedly offering the Complainant's GHIRARDELLI chocolates for sale.

The Panel finds it more likely than not that the Respondent registered and used the disputed domain names to intentionally attempt to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of this website.

Finally, the Respondent did not formally take part in the administrative proceedings. According to the Panel, this serves as an additional indication of the Respondent's bad faith.

Therefore, the Panel finds that, on the balance of probabilities, it is sufficiently shown that the disputed domain names were registered and are being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ghirerdalli.vip**: Transferred
2. **ghirerdallis.vip**: Transferred

PANELLISTS

Name	**Flip Petillion**

DATE OF PANEL DECISION 2026-02-02

Publish the Decision