Decision for dispute CAC-UDRP-108504

Case number	CAC-UDRP-108504
Time of filing	2026-03-20 12:05:54
Domain names	ghirardellii.shop

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	xiao kaihuan

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 holds multiple registered trademarks for GHIRARDELLI in several jurisdictions, including the United States, European Union, Canada, and under the Madrid International Registration system.

These registrations include, but are not limited to, the following:

- GHIRARDELLI (US Reg. No. 205776) in Class 30, registered on 17 November 1925;
- GHIRARDELLI (US Reg. No. 1645206) in Classes 16, 18, 21, 25, 30, 42, registered on 21 May 1991;
- GHIRARDELLI (US Reg. No. 3508893) in Classes 6, 16, 18, 21, 25, 28, registered on 30 September 2008;
- GHIRARDELLI (EU Reg. No. 003716453) in Classes 30, 35, 42, 43, registered on 27 July 2005;
- GHIRARDELLI (WO No. 826074) in Classes 30, 35, 43, registered on 30 March 2004;
- GHIRARDELLI (WO No. 936941) in Classes 6, 14, 16, 18, 21, 25, 28, 41, registered on 27 July 2007;
- GHIRARDELLI (CA Reg. No. TMA378615) in Class 30, registered on 18 January 1991;
- GHIRARDELLI (CA Reg. No. TMA763505) in Classes 16, 18, 21, 25, 30, 35, registered on 8 April 2010.

FACTUAL BACKGROUND

The Complainant is a Switzerland-based chocolate manufacturer founded in 1845 and is active in the production and global

distribution of premium chocolate products. It operates 12 production sites across Europe and the United States and distributes its products through more than 35 subsidiaries, over 100 independent distributors, and more than 500 owned retail stores. The Complainant employs approximately 15,000 people and reported sales of CHF 5.47 billion in 2024.

The Complainant's brand portfolio includes several acquired chocolate businesses, including Ghirardelli (acquired in 1998), Hofbauer, Küfferle, Caffarel, and Russell Stover. Ghirardelli Chocolate Company, founded in 1852 and headquartered in San Francisco, is one of the oldest chocolate companies in the United States and reported sales of USD 888 million in FY 2024. Its products are distributed through retail, wholesale and online channels.

The Complainant promotes and sells Ghirardelli products through its official website at <ghirardelli.com>, registered in 1998 and maintains a portfolio of related domain names incorporating the GHIRARDELLI mark, including <ghirardelli.online>, <ghirardelli.shop>, <ghirardelli.us>, <ghirardelli.com.mx> and <ghirardelli.ca>.

The GHIRARDELLI brand also maintains a significant social media presence with approximately 1.3 million followers on Facebook, over 170,000 followers on Instagram and more than 40,000 followers on LinkedIn.

The Respondent appears to be an individual based in Fujian, China.

The disputed domain name was registered on 15 February 2026.

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).

The Complainant submits that the disputed domain name is confusingly similar to its GHIRARDELLI trademark for purposes of the first UDRP element. The disputed domain name incorporates the mark in its entirety with the addition of a single letter "i," which constitutes a minor typographical variation that does not prevent recognition of the mark. The Complainant further submits that the ".shop" gTLD is a standard registration requirement and is disregarded in the assessment under the first element. Accordingly, the relevant comparison remains between "ghirardellii" and the GHIRARDELLI mark, which are highly similar in appearance and overall impression.

By doing a side-by-side comparison, the Panel agrees that the disputed domain name is a typosquatting domain name which is confusingly similar to the Complainant's trademark, see paragraph 1.9 of the WIPO Jurisprudential Overview 3.1.

For the foregoing reasons, the Panel finds that the Complainant has satisfied 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). More specifically, the Complainant must first make a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain name, and the burden of proof then shifts to the Respondent to show it does have rights or legitimate interests. See PepsiCo, Inc. v Smith power production, 102378, (CAC 2019-03-08) ("The Panel finds that the Complainant has made out a prima facie case that arises from the considerations above. All of these matters go to make out the prima facie case against the Respondent. As the Respondent has not filed a Response or attempted by any other means to rebut the prima facie case against it, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.").

The Complainant submits that, to the best of its knowledge, the Respondent has no trademark rights in, nor is commonly known by, the disputed domain name and is not affiliated with or licensed by the Complainant. Mere registration of a domain name does not, of itself, confer rights or legitimate interests on a respondent.

The Complainant further asserts that the disputed domain name has been used for a website impersonating the Complainant's GHIRARDELLI brand including the display of its logo and product imagery and presenting itself as an official online store. The website allowed users to select products, provide personal and payment-related details and create accounts thereby creating the impression of an authorised commercial site. Such use involving passing off and misleading presentation does not constitute a bona fide offering of goods or services or legitimate non-commercial or fair use under the Policy.

The Complainant also states that following a takedown request the disputed domain name no longer resolves to an active website however prior abusive use is not remedied by subsequent inactivity. In addition, the composition of the Domain Name being a near-identical variation of the GHIRARDELLI mark combined with the ".shop" gTLD increases the likelihood of confusion and implied affiliation further supporting the absence of rights or legitimate interests.

The Panel finds that the Complainant has established a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name. See Marks and Spencer plc v. Zhang Qiang, 108384 (CAC 2026-03-12) ("The Panel accepts the Complainant's contention that the Respondent's use of <marksandspencerireland.com> and <marksandspencerslovenia.com> for e-commerce websites amounts to impersonation and passing off. Both the composition of these domain names and the design of the websites for which they are used clearly indicate impersonation. While an impersonation website may be considered an "offering of goods or services", it is not a bona fide offering.") As a result, the burden of proof shifts to the Respondent to demonstrate such rights or interests. However, the Respondent has failed to submit any response within the required timeframe to rebut these assertions.

For the foregoing reasons, the Panel finds that the Complainant has satisfied 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).

The Complainant reiterates its rights in the GHIRARDELLI mark, which has been used for over a century and is protected by numerous prior trademark registrations. It submits that the mark is well-known and readily identifiable through public databases and internet searches. The Complainant also contends that the disputed domain name is a typographical variant of its mark, differing only by the addition of an extra "i" and thus constitutes typosquatting. The composition of the disputed domain name, including the ".shop" gTLD, is said to increase the likelihood of confusion and imply an official retail connection.

The Complainant further argues that the Respondent used the disputed domain name in bad faith as it resolved to a website impersonating the Complainant by displaying its trademark, products, and branding, and inviting users to submit personal and payment information. Additional elements, including false corporate details and policies, reinforced the misleading impression of legitimacy. The Complainant also notes that the Respondent provided incomplete contact details, which it submits is indicative of bad faith. Finally, it argues that the current inactivity of the disputed domain name does not prevent a finding of bad faith, given the prior impersonation, the distinctiveness of the mark, and the absence of any plausible good faith use.

Having considered the circumstances and noting the Respondent's failure to submit a response, the Panel finds that the Respondent has no plausible justification for registering the disputed domain name without knowledge of the Complainant and its GHIRARDELLI trademarks. The Panel also finds that the Respondent impersonated the Complainant by displaying the Complainant's trademark and pretending to be the Complainant in order to create confusion and attract users for commercial gain. The disputed domain name has obviously been registered and is being used in bad faith. See Chewy, Inc. v. userdc dger, 107822, (CAC 2025-09-15) ("Indeed, the disputed domain names resolve to a website offering for sale Complainant's products and reproducing a modify version of the CHEWY trademark. This allows the Panel to conclude that, on balance, the Respondent knew or should have known about the Complainant and its trademark at the time of the registration of the disputed domain names. Thus, the registrations were made in bad faith. ") See also paragraph 3.2.2 of the WIPO Overview 3.1.

For the foregoing reasons, the Panel finds that the Complainant has satisfied 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.

PRELIMINARY FINDINGS - LANGUAGE OF PROCEEDING:

The Panel notes that the language of the Registration Agreements is Chinese, as confirmed by the Registrar. The official Complaint was submitted in English and the Respondents did not submit an official response. Pursuant to paragraph 11 of the Rules, unless otherwise agreed by the Parties, or specified otherwise in the Registration Agreement, the language of the administrative proceeding shall be the language of the Registration Agreement. However, this is subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

The Complainant requests that English be used as the language of the proceeding, arguing that the disputed domain name is composed entirely of Latin characters and uses the English-language ".shop" gTLD and the associated website was previously displayed in English, indicating the Respondent's familiarity with English. The Complainant and its representatives are not based in China and do not understand Chinese, but are proficient in English, which is commonly used in international business and dispute resolution. In these circumstances, requiring translation of the Complaint and evidence into Chinese would impose a disproportionate burden in terms of cost and time, likely exceeding the overall cost of the proceedings and causing unnecessary delay.

The Panel is bilingual and fully capable of conducting the proceeding in both Chinese and English. In view of the English-language content of the website and the absence of a timely response from the Respondent, the Panel finds it appropriate to conduct the proceedings in English and would serve the UDRP's objective of facilitating the swift resolution of disputes. Accordingly, the Panel determines that the language requirement has been satisfied, and that the language of the proceeding shall be English.

PRINCIPAL REASONS FOR THE DECISION

Having established all three elements required under the UDRP Policy, the Panel concludes that the disputed domain name should be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ghirardellii.shop**: Transferred

PANELLISTS

Name	**Mr Paddy TAM**

DATE OF PANEL DECISION 2026-04-17

Publish the Decision