Decision for dispute CAC-UDRP-108581

Case number	CAC-UDRP-108581
Time of filing	2026-04-15 09:34:15
Domain names	ghiraerdelli.com

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	James Bader

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 is a chocolate manufacturer, which markets its products and services using various trademarks including the GHIRARDELLI mark for which it holds a portfolio of registrations including the following:

United States registered trademark GHIRARDELLI registration number 205776, registered on the Principal Register on May 21, 1990, for goods in international class 30;

United States registered trademark GHIRARDELLI registration number 1645206 registered on the principal register on 21 May 1991 for goods and services in international classes 16, 18, 21, 24, 25, 30, and 42.

European Union Trade Mark (EUTM), GHIRARDELLI, registration number 003716453, REGISTERED ON July 27, 2005 for goods and services in classes 30, 35, 42, and 43.

FACTUAL BACKGROUND

The Complainant has an established Internet presence and is the owner of a number of Internet domain names including <ghirardelli.com> which was created on June 24, 1998 and resolves to the Complainant's website on which its GHIRARDELLI-branded chocolate products are promoted and sold. It also has an active social media presence with accounts on Facebook,

Instagram and LinkedIn.

The disputed domain name <ghiraerdelli.com> was registered on March 23, 2026, and resolves to a website which is almost identical to Complainant's own website, and purports to offer the Complainant's products to the public at substantial discounts.

There is no information available about the Respondent except for that provided in the Response, the Registrar's WhoIs and the information provided by the Registrar in response to a request by the Forum for details of the registration of the disputed domain name for the purposes of this proceeding.

PARTIES CONTENTIONS

Complainant

The Complainant claims rights in the GHIRARDELLI trademark and service mark established by its ownership of the portfolio of registrations described above and extensive use of the mark by the Complainant and its predecessors in title as a manufacturer of chocolate and related products.

The Complainant submits that it acquired the Ghirardelli Chocolate Company in 1998. Ghirardelli. It was one of the oldest US-based chocolate companies, founded in 1852 and is headquartered in San Francisco, California. Since its acquisition, the GHIRARDELLI brand has grown with the benefit of association with the Complainant's other brands.

In the financial year 2024, reported sales of GHIRARDELLI products reached USD $888 million.

The Complainant submits that it advertises and sells its confectionery products to consumers online through its official website at <ghirardelli.com>. Representative screen captures of the Complainant's offerings as displayed on this website are provided in an annex to the Complaint.

In addition to <ghirardelli.com>, the Complainant maintains a portfolio of domain names incorporating the GHIRARDELLI mark across various generic and country-code top-level domain names, including <ghirardelli.online>, <ghirardelli.shop>, <ghirardelli.shop>, <ghirardelli.shop>, <ghirardelli.us>, <ghirardelli.com.mx> and <ghirardelli.ca>.

The Complainant adds that, as shown in screen captures exhibited in an annex to the Complaint, its GHIRARDELLI brand enjoys a substantial social media presence, including approximately 1.3 million followers on Facebook, about 180 thousand followers on Instagram, and more than 40 thousand followers on LinkedIn.

Firstly, the Complainant alleges that the disputed domain name is identical or confusingly similar to the GHIRARDELLI mark in which the Complainant has registered trademark rights.

The consensus view among panels established under the Policy is that where a complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold of having trademark rights for the purposes of standing to file a complaint under the Policy. (see WIPO Overview of WIPO Panel Views on Select UDRP Questions ('WIPO Overview 3.1'), section 1.2.1).

The Complainant submits that the disputed domain name <ghiraerdelli.com> consists of a typographical variation of the Complainant's GHIRARDELLI mark, in which one additional letter "e" has been inserted after the "a".

It is argued that, notwithstanding this minor alteration, the Complainant's GHIRARDELLI mark remains clearly recognisable within the disputed domain name when they are viewed side by side (see WIPO Overview 3.1, section 1.7).

The Complainant adds that panels established under the Policy have also consistently held that a domain name at issue, incorporating obvious or intentional misspellings of a complainant's trademark constitute typosquatting and is confusingly similar for purposes of the first element of the test in Policy paragraph 4(a)(i). (see WIPO Overview 3.1, section 1.9).

The Complainant argues that the disputed domain name preserves the overall structure and visual impression of the Complainant's mark and Internet users are likely to assume an association with the Complainant and its GHIRARDELLI-branded offerings.

The Complainant adds that the generic Top Level Domain ("gTLD") extension <.com> forms a standard registration requirement for a domain name and as such is disregarded when considering confusing similarity. (WIPO Overview 3.1, section 1.11.1).

Secondly, the Complainant alleges that the Respondent has no rights or legitimate interests in the disputed domain name, arguing that:

- to the best of the Complainant's knowledge, the Respondent does not have trademark rights in, nor is it commonly known by, 'ghiraerdelli', 'ghiraerdelli.com', or any similar term;
- the Respondent is not connected to nor affiliated with the Complainant and has not received a license or consent to use the GHIRARDELLI mark in any way;

- past decisions of panels established under the Policy have established that the mere ownership of a domain name does not confer rights or legitimate interests on a respondent;

- the Respondent has not used, nor prepared to use, the disputed domain name in connection with a bona fide offering of goods or services, nor for a legitimate non-commercial or fair use.

The Complainant refers to a screen capture of the website to which the disputed domain name resolves, which is exhibited in an annex to the Complaint, and submits that the screen capture shows that the Respondent is using the disputed domain name within the website address to impersonate the Complainant by presenting itself as an official GHIRARDELLI online store. The Complainant adds that the Respondent's website prominently features the Complainant's GHIRARDELLI logo and displays images of GHIRARDELLI-branded products offered at discounted prices; and that users are invited to select products, add them to a shopping cart, and proceed to a checkout page requesting personal and financial information, including full name, postal address, phone number, and payment card details.

It is further contended that the exhibited screen capture shows that the Respondent's website encourages users to create an account by providing their email address, with a note that they will receive a link to set up a password, thereby soliciting user credentials under the false pretence of a legitimate GHIRARDELLI account.

The Complainant submits that the overall presentation and functionality of the Respondent's website are clearly intended to mislead internet users into believing that the website to which the disputed domain name resolves is operated by, or affiliated with, the Complainant. Such impersonation and passing-off conduct, which exposes users to a clear risk of phishing or fraud, can never confer rights or legitimate interests under the Policy (see WIPO Overview 3.1, section 2.13.1: "Panels have categorically held that the use of a domain name for illegal activity (e.g., the sale of counterfeit goods or (unlicensed) pharmaceuticals, phishing/identity theft, distributing malware, unauthorized account access/hacking, copycat sites, passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent.").

For completeness, the Complainant submits that the Respondent is not making a bona fide or fair use of the disputed domain name as a reseller under the cumulative Oki Data criteria (see WIPO Overview 3.1, section 2.8.1). In particular, the Respondent fails to accurately and prominently disclose the absence of any relationship with the Complainant. On the contrary, the website prominently features the GHIRARDELLI mark, logo and product imagery, does not identify any operator, and contains no disclaimer. This conduct creates a false impression that the website is operated, endorsed, or controlled by the Complainant, which is incompatible with any legitimate reseller activity under the Oki Data principles.

Thirdly, the Complainant alleges that the disputed domain name was registered and is being used in bad faith, arguing that under the Policy, bad faith is understood to occur where a respondent 'takes unfair advantage of or otherwise abuses a complainant's mark' (see WIPO Overview 3.1, section 3.1).

The Complainant submits that its GHIRARDELLI brand has a strong international reputation and goodwill.

It is argued that the GHIRARDELLI mark, which the Complainant acquired in 1998, became part of the global portfolio of premium chocolate brands of the Complainant's group. After the acquisition, the GHIRARDELLI brand benefited from the scale, resources, and international presence of the multinational group, which employs over 15,000 people worldwide and reported sales of CHF 5.92 billion in 2025.

In the financial year 2024 alone, GHIRARDELLI branded products generated sales of approximately USD$ 888 million, underscoring its position as one of the leading chocolate companies in the United States.

Furthermore, the Complainant submits that it holds numerous trademark registrations for the GHIRARDELLI mark across multiple jurisdictions, long predating the registration of the disputed domain name in 2026.

The Complainant adds that the composition of the disputed domain name itself reinforces a finding of bad faith as it is a misspelling of the Complainant's GHIRARDELLI mark achieved by the insertion of an extra 'e' within the mark.

The Complainant further submits that the disputed domain name <ghiraerdelli.com> has no apparent independent meaning and its only plausible function is to misleadingly suggest affiliation with the Complainant, thereby trading on the goodwill associated with the GHIRARDELLI mark. It is argued that the deliberate choice of such a deceptive variation evidences the Respondent's awareness of the Complainant and its intent to take unfair advantage of consumer confusion.

The Complainant adds that, as shown in the exhibited screen capture of the website to which the disputed domain name resolves, the Respondent is impersonating the Complainant by presenting itself as an official GHIRARDELLI online store. The Respondent's website prominently displays the Complainant's GHIRARDELLI trademark and logo, features images of GHIRARDELLI-branded products offered at discounted prices, and invites users to browse items, add them to a shopping cart, and proceed to a checkout page requesting personal and financial information, including contact details and payment card data.

The Complainant argues that in its overall presentation, branding, and functionality, the Respondent's website is plainly designed to mislead internet users into believing that they are interacting with an official and authorised GHIRARDELLI retail platform, thereby attracting users for commercial gain by creating confusion as to the source, sponsorship, affiliation, or endorsement of the website.

It is argued that the deceptive nature of the website is further reinforced by its deliberate impersonation of the Complainant and lack of transparency as to its operator. The website reproduces the Complainant's branding and product imagery without authorisation, fails to identify any legitimate business entity behind the site, and contains no disclaimer clarifying the absence of any relationship with the Complainant.

The Complainant contends that such conduct creates a false impression of legitimacy and is indicative of phishing or other fraudulent activity, particularly in light of the Respondent's website's solicitation of sensitive personal and financial information from unsuspecting users. As recognised in section 3.1.4 of WIPO Overview 3.1, with reference to section 2.13.1, the use of a domain name for per se illegitimate activity is manifestly considered evidence of bad faith.

Respondent
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

Trademark Rights and Confusing Similarity

Complainant has provided convincing evidence that rights in the GHIRARDELLI mark trademark and service mark were established by its ownership of its portfolio of trademark registrations described above and extensive use of the mark in its business as a manufacturer of chocolate and related products.

The uncontested evidence is that in the financial year 2024, reported international sales of GHIRARDELLI-branded products reached USD $888 million.

The Complainant's GHIRARDELLI mark is clearly recognizable in the disputed domain name <ghiraerdelli.com>, as it merely contains an additional letter "e" after the letter "a" in the mark.

A side-by-side comparison allows the Panel to find that the disputed domain name is a misspelling of the Complainant's mark, and on the balance of probabilities, many Internet users would not notice the additional letter.

Furthermore, the gTLD extension <.com> may be ignored for the purposes of comparison as it would be considered by Internet users to be a technical necessity for a domain name.

This Panel finds, therefore, that the disputed domain name <ghiraerdelli.com> is confusingly similar to the GHIRARDELLI mark in which Complainant has rights and Complainant has therefore succeeded in the first element of the test in Policy paragraph 4(a)(i).

Rights and Legitimate Interests

The Complainant has made out a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain name as set out in Complainant's detailed submissions above.

In particular, the uncontested evidence is that Respondent is using the disputed domain name, which is almost identical to the Complainant's GHIRARDELLI mark, to resolve to a website on which the Respondent is purporting to impersonate the Complainant. Furthermore, on the balance of probabilities, the products offered for sale on the Respondent's website are offered at unrealistically

large discounts, which on the balance of probabilities indicates that either the products are counterfeit or that the Respondent has no intention of delivering the advertised products.

It is well established that once a complainant makes out a prima facie case that a respondent has no rights or legitimate interests in the domain name at issue, the burden of production shifts to the respondent to prove its rights or legitimate interests.

Respondent has failed to discharge that burden, and therefore, the Panel must find that Respondent has no rights or legitimate interests in the disputed domain name.

Complainant has therefore succeeded in the second element of the test in Policy paragraph 4(a)(ii).

Bad Faith

The Complainant's GHIRARDELLI mark has been used continuously by the Complainant and its predecessors in title for many years. The earliest trademark registration relied upon by the Complainant shows that the mark was registered in the USA as early as May 21, 1990.

The disputed domain name was not registered until March 23, 2026, at which time the uncontested evidence is that the GHIRARDELLI mark had acquired a significant international reputation for use on confectionery products.

GHIRARDELLI is a distinctive mark in the business of chocolate products, and the disputed domain name <ghiraerdelli.com> is almost identical to the mark, merely adding the letter "e" after the letter "a" in the mark.

It is improbable that the disputed domain name was chosen for any reason other than to create an association with the Complainant's GHIRARDELLI mark.

Therefore, this Panel finds that the disputed domain name was registered in bad faith as an intentional misspelling of the GHIRARDELLI mark, in order to take predatory advantage of the Complainant's goodwill and reputation. The intentional registration of a misspelling of the Complainant's constitutes typosquatting, which constitutes registration and use of the disputed domain name in bad faith for the purposes of the Policy.

This finding is supported by the uncontested evidence that the Respondent is using the disputed domain name to resolve to a website on which the Respondent purports to offer the Complainant's products for sale.

The look and feel of the Respondent's website mimics the Complainant's own website. The Complainant's GHIRARDELLI mark and logo are prominently displayed, and the Respondent's website is replete with images of the Complainant's products.

Furthermore, there is nothing on the Respondent's website that indicates that the Respondent is not associated with the Respondent or the disputed domain name or the Respondent's website.

Additionally, on the Respondent's website, the Respondent is purporting to sell the Complainant's products at unrealistically low prices. Examples are that a product sold by the Complainant at $18.95 is offered at $5.69, and another product offered by the Complainant at $114.95 is priced at $34.95.

These improbable prices indicate that either the products are counterfeit or that the Respondent is engaged in phishing for the personal data of unsuspecting Internet users and does not intend to deliver the advertised products to purchasers.

The Panel finds therefore that the Respondent is using the disputed domain name in bad faith as the address of a website, which intended to attract and confuse Internet users and cause them to divert their Internet traffic intended for the Complainant and misdirect it to the Respondent's website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site.

For completeness, the Panel accepts that the Respondent is not a bona fide reseller of the Complainant's products because the website to which the disputed domain name resolves prominently features the GHIRARDELLI mark, logo, and product imagery, does not identify any operator, and contains no disclaimer. This conduct creates a false impression that the website is operated, endorsed, or controlled by the Complainant, which is incompatible with any legitimate reseller activity under the Oki Data principles.

As the Panel has found that the disputed domain name was registered and is being used in bad faith, and the Complainant has succeeded in the third element of the test in Policy paragraph 4(a)(iii).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ghiraerdelli.com**: Transferred

PANELLISTS

Name	**James Bridgeman**

DATE OF PANEL DECISION 2026-05-16

Publish the Decision