Decision for dispute CAC-UDRP-108585

Case number	CAC-UDRP-108585
Time of filing	2026-04-16 09:43:46
Domain names	ghirardelliz.com

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	ZHEN

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 a broad portfolio of trademark registrations on a global scale in connection with the marketing and distribution of its products, including numerous registrations comprising or featuring the term GHIRARDELLI, including the following:

Trademark	Origin	Registration Number	Registration Date	Class(es) Covered
GHIRARDELLI	Canada	TMA864883	13 Nov 2013	6, 11, 14, 16, 17, 18, 19, 20, 21, 25, 28
GHIRARDELLI	International (designates China)	936941	27 July 2007	6, 14, 16, 18, 21, 25, 28, 41
GHIRARDELLI [device]	Mexico	943118	18 July 2006	30

GHIRARDELLI	European Union	003716453	27 July 2005	30, 35, 42, 43
GHIRARDELLI	United States	1376695	31 Dec 1985	42
GHIRARDELLI	United States	205776	17 Nov 1925	30

FACTUAL BACKGROUND

The Panel accepts the following as non-contested facts based upon the record as filed, and in the absence of any submission by the Respondent.

Founded in 1845, the Complainant is a Swiss chocolate and confectionery manufacturer and a leading player in the premium chocolate segment. The Complainant has a diverse portfolio of 2,500 products, which are distributed in more than 120 countries worldwide under various brands, including LINDT, GHIRARDELLI, RUSSELL STOVER, WHITMAN'S, CAFFAREL, HOFBAUER, KÜFFERLE and PANGBURN'S. The Complainant produces chocolates today at its 12 factories in Europe and the USA, maintains 41 subsidiaries and branch offices, runs over 600 proprietary retail stores, and works with an extensive network of more than 100 independent distributors globally. Employing more than 15,000 people, the Complainant achieved sales of CHF 5.92 billion and an operating profit of CHF 971 million in 2025.

The Complainant enjoys a well-established online presence associated with the GHIRARDELLI mark through several channels. The Complainant owns the domain name <ghirardelli.com>, registered on 24 June 1998, which hosts an official website containing detailed information about the Complainant and its products marketed under the GHIRARDELLI brand. Also, the GHIRARDELLI mark has achieved significant exposure on key social media platforms, including Facebook (where the brand's official account has attracted more than 1.3 million followers) or Instagram (approximately 180,000 followers).

The Complainant's worldwide reputation and the recognition of its GHIRARDELLI-branded products have been recognised by a number of previous UDRP which have decided that the GHIRARDELLI trademark is well known.

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

According to Paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements to obtain an order that the disputed domain name should be transferred or cancelled:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

The Panel has examined the evidence available to it and has come to the following conclusion concerning the satisfaction of the three elements of paragraph 4(a) of the Policy in these proceedings:

EARLIER RIGHTS

The Complainant has established rights in the name GHIRARDELLI. The disputed domain name <GHIRARDELLIZ.COM> is found to be confusingly similar to the Complainant's trademark. This finding is based on the settled practice in evaluating the existence of a likelihood of confusion of:

1. disregarding the top-level suffix in the domain names (i.e. ".COM") in the comparison; and
2. finding that the simple addition of a single letter at the end of a trademark (i.e. GHIRARDELLI) would not be considered sufficient to distinguish a domain name from a trademark. In this case, the addition of the single letter "Z" in the fashion of a misspelling or typographical error does not prevent a finding of confusing similarity. The domain name is confusingly similar to the rights of the Complainant.

The disputed domain name is therefore found to be confusingly similar to the earlier rights in the name GHIRARDELLI, and the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

The onus to make out a prima facie case that the Respondent lacks rights or legitimate interests is placed on the Complainant. However, once such a prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

The Respondent has no rights or legitimate interests in the disputed domain name. The Complainant and the Respondent have not had any previous relationship.

The Complainant has never granted the Respondent any rights to use the GHIRARDELLI trademark in any form, including in the disputed domain name. There is no evidence before the Panel indicating that the Respondent is commonly known by the disputed domain name. Prior to the take down notice sent by the Complainant, the disputed domain name resolved to a website which

1. displayed the GHIRARDELLI mark prominently at the top of the website and across its various subsections, together with images of GHIRARDELLI-branded products, and promoted their sale at significant discounts;
2. requested users to submit personal information — including name, address, email address, telephone number, and credit card details — when interacting with the website and proceeding to checkout. In this regard, it is also noteworthy that the website offered an additional discount (10% off) when payment is made by credit card, thereby encouraging the use of this payment method;
3. included a copyright notice reading "© 2026 Ghirardelli Chocolate Company", which is identical to the copyright notice "© 2026 Ghirardelli Chocolate Company" displayed on the official website, and uses a favicon identical to that of the official website, further reinforcing the false impression of authenticity; and
4. contained a "create an account" feature requiring users to provide personal information, including an email address, in order to register.

Such activities were clearly aimed at obtaining sensitive information from potential customers of the Complainant and are therefore clearly not an activity which could demonstrate a legitimate or fair use of the disputed domain name, or that would demonstrate a legitimate interest in the disputed domain name. Therefore, there is nothing that could be interpreted as rights or legitimate interests of the Respondent.

The above use of the disputed domain name in connection with potentially criminal activities clearly demonstrates the Respondent's absence of rights or legitimate interests in respect of the disputed domain name.

The Panel therefore concludes that the Respondent did not refute the Complainant's prima facie case and has not established any rights or legitimate interest in the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy). The Complainant has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

BAD FAITH

The Panel finds that the Complainant has established that the disputed domain name was registered by the Respondent and is being used by the Respondent in bad faith.

The name GHIRARDELLI is distinctive and well known for the goods offered by the Complainant. The Respondent has copied the Complainant's trademark GHIRARDELLI in the disputed domain name.

The disputed domain name was registered by the Respondent on March 13, 2026, long after the Complainant commenced use of the mark.

The Complainant highlights that its GHIRARDELLI mark is readily identifiable in publicly accessible trademark databases. Additionally, the top results from a basic Google search of 'GHIRARDELLI' would clearly point to the Complainant. Notwithstanding any other considerations, the simplest degree of due diligence would have made any prospective registrant of the domain name aware of the Complainant's rights in the internationally established GHIRARDELLI mark.

Internet users encountering the domain name are likely to believe that it is an official online presence of the Complainant, underscoring the Respondent's bad faith in registering the domain name.

Until the Complainant sent a take down notice, the Respondent's activities under the disputed domain name were clearly a fraudulent attempt to obtain data from potential customers of the Complainant. This equally clearly constitutes use in bad faith, which did not cease simply because the site was taken offline after the take down notice. On the contrary, previous Panels have held that passive holding of domain names does not preclude a finding of bad faith use. This is particularly true in cases in which the non-use is merely an attempt to hide traces of a previous active use of the domain name in what is clearly bad faith.

Consequently, there appears to the Panel to be no possible good faith reason for the Respondent to have selected the disputed domain name, and there are demonstrable indications of bad faith present in this case.

The Panel therefore concludes that the Respondent has registered and is using the disputed domain name in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy). The Complainant has therefore also satisfied the requirements 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. **ghirardelliz.com**: Transferred

PANELLISTS

Name	**Udo Pfleghar B.A. (Melb.)**

DATE OF PANEL DECISION 2026-05-22

Publish the Decision