

Decision for dispute CAC-UDRP-108691

Case number	CAC-UDRP-108691
Time of filing	2026-06-01 11:35:22
Domain names	chocolateghirardelli.vip, myrussellstover.shop

Case administrator

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

Organization	Chocoladefabriken Lindt & Sprüngli AG
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Complainant representative

Organization	SILKA AB
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Respondents

Name	flameb earer
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Name	Ralph Perry
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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 owns several trademark registrations for the terms GHIRARDELLI and RUSSELL STOVER, including but not limited to:

- International trademark for GHIRARDELLI (word mark), Reg. No. 826074, registered on March 30, 2004, in force until March 30, 2034; in International Classes ("ICs") 30, 35, 43; and
- United States trademark for GHIRARDELLI (word mark), Reg. No. 205776, registered on November 17, 1925, in force until May 19, 2036, in IC 30; and
- International trademark for RUSSELL STOVER (word mark), Reg. No. 1243266, registered on January 28, 2015, and in force until January 28, 2035, in ICs 29, 30, 35, 43; and
- United States trademark for RUSSELL STOVER (word mark), Reg. No. 739454, registered on October 16, 1962, and in force until April 18, 2033, in IC 30.

FACTUAL BACKGROUND

The Complainant is a Swiss-headquartered company engaged in the production of chocolate and confectionery goods, whose origins trace back to 1845. The Complainant is widely recognized as a leading participant in the premium chocolate market, supported by a global infrastructure that includes 12 manufacturing sites, more than 600 branded retail outlets, and a distribution network exceeding 100 independent partners worldwide.

The Complainant employs over 15,000 individuals and, in 2025, recorded revenues of CHF 5.92 billion alongside an operating profit of CHF 971 million. Its portfolio comprises approximately 2,500 products marketed in over 120 jurisdictions under internationally recognized brands, including GHIRARDELLI and RUSSELL STOVER.

Concerning the GHIRARDELLI brand, the Complainant became the owner of Ghirardelli Chocolate Company (“Ghirardelli”) in 1998. Established in 1852, Ghirardelli is among the oldest chocolate producers in the United States. Its products are distributed through a combination of company-owned stores, third-party retail channels, and wholesale arrangements. The brand is particularly associated with its Ghirardelli Squares, introduced in 1999, as well as its hot fudge sundaes and a wide range of baking ingredients and professional confectionery items. For the 2024 financial year, Ghirardelli reported sales amounting to USD 888 million.

In relation to RUSSELL STOVER, the Complainant acquired in 2014 the United States-based company previously known as Russell Stover Candies, LLC, in a transaction valued at approximately USD 1.6 billion. The business was originally established in 1923 in Denver, Colorado, and relocated its headquarters to Kansas City, Missouri, in 1932. It began operating under the name Russell Stover Candies in 1943, following an earlier period under the designation Mrs. Stover’s Bungalow Candies. In 2016, the entity formally adopted its current name, Russell Stover Chocolates, LLC. At present, its products are manufactured in three facilities within the United States and distributed Chocoladefabriken Lindt & Sprüngli AG v Andrew Carter through a network that includes 13 retail stores. In 2024, this segment reported revenues of USD 377 million.

The Complainant has built a broad and long-standing online presence for both its GHIRARDELLI and RUSSELL STOVER trademarks. Each brand maintains its own dedicated online presence through, among others, the domain names <ghirardelli.com> (registered on June 24, 1998) and <russellstover.com> (registered on December 21, 1996), both active for more than 25 years. These domain names are used by the Complainant to provide information about its respective subsidiaries (Ghirardelli Chocolate Company and Russell Stover Chocolates, LLC), as well as about the products marketed under those trademarks. Moreover, beyond its official websites, the Complainant also enjoys a substantial footprint across major social media platforms, with its verified accounts on Facebook, Instagram, and LinkedIn attracting more than a million followers in total.

According with the submitted evidence Panel notes that previous panelists have recognized the well-known status of the GHIRARDELLI and RUSSELL STOVER trademarks, see Chocoladefabriken Lindt & Sprüngli AG v Fundacion Comercio Electronico, CAC-UDRP-107961; Chocoladefabriken Lindt & Sprüngli AG v Tiley, CAC-UDRP-108014; CAC-UDRP-108441; Chocoladefabriken Lindt & Sprüngli AG v Gro Brenden, CAC-UDRP-107862; Chocoladefabriken Lindt & Sprüngli AG v yassine haouzi rezgui, CAC-UDRP-106761.

The disputed domain name <chocolateghirardelli.vip> was registered on April 23, 2026, and <myrussellstover.shop> was registered on April 21, 2026. The Complainant provided evidence that, shortly before the filing of the Complaint (by May 20, 2026), the disputed domain names resolved to active websites of online stores that, in summary, impersonate the Complainant. By the time of this Decision, each one of the disputed domain names resolves to inactive websites.

PARTIES CONTENTIONS

Response

No Response or any communication has been submitted by the Respondents. However, the Complainant must establish the three elements of paragraph 4(a) of the Policy (See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“WIPO Overview 3.1”), section 4.3.).

Therefore, this Panel shall analyze the evidence submitted by the Complainant and decide this dispute under the “balance of probabilities” or “preponderance of the evidence” standard (see paragraphs 14 and 15(a) of the Rules, and WIPO Overview 3.1, section 4.2.).

Complainant Consolidation Request and Contentions (summary):

- The Complainant requests to be consolidated in a single Complaint against different Respondents, for the two (2) disputed domain names in accordance with paragraph 4(f) of the Policy in conjunction with paragraphs 3(c) and 10(e) of the Rules; and section 4.11.2 of the WIPO Overview 3.1.

The request is based on:

First, both disputed domain names formed part of a common scheme targeting two confectionery brands owned by the Complainant, namely GHIRARDELLI and RUSSELL STOVER; that the disputed domain name <myrussellstover.shop> was used in connection with a website impersonating the Complainant’s RUSSELL STOVER brand, while <chocolateghirardelli.vip> was used in connection with a website targeting the Complainant’s GHIRARDELLI brand; that both websites purported to operate as official

online stores associated with the Complainant and solicited personal information from Internet users through account-registration and purchase-related functionality.

Particularly significant is the fact that both disputed domain names were, at one stage, associated with websites displaying the same promotional banner image. Both websites featured the identical "GIFT BOXES" image depicting an open box of RUSSELL STOVER chocolates together with RUSSELL STOVER branding. While the image appears partially cropped in different ways on the respective websites, it is plainly the same source image. The appearance of a RUSSELL STOVER promotional banner on a website associated with <chocolateghirardelli.vip> is especially noteworthy, as that domain name was subsequently used in connection with a website targeting the Complainant's GHIRARDELLI brand; that the reuse of the same RUSSELL STOVER-branded content on a domain name later used to impersonate a different brand within the Complainant's portfolio further reinforces the inference that the disputed domain names are subject to common control.

The websites further exhibited substantial similarities in their operation and commercial model; that both purported to sell confectionery products associated with the Complainant, offered materially similar ecommerce functionality including product listings, shopping-cart and checkout features, and required users to submit personal information through account-registration and purchase processes; that the websites also exhibited similar indicia of deception, that both purported to sell branded goods associated with the Complainant, failed to disclose any lack of affiliation with the Complainant, and used elements designed to reinforce a false appearance of legitimacy, including a copyright notice stating "© 2026 Russell Stover. All rights reserved" on the website associated with <myrussellstover.shop> and the reproduction of Ghirardelli Chocolate Company's genuine contact address on the website associated with <chocolateghirardelli.vip>.

Second, the disputed domain names follow the same naming convention, consisting of a descriptive term combined with one of the Complainant's trademarks under a new generic Top-Level Domain, namely <chocolateghirardelli.vip> and <myrussellstover.shop>; that such common structure appears calculated to create the impression of official online stores associated with the Complainant's respective brands.

Third, the registration circumstances display notable similarities; that both disputed domain names were registered through the same registrar, Dynadot Inc., and only two days apart, namely on April 21, 2026, and April 23, 2026; that such close temporal proximity is particularly significant given that both registrations targeted brands owned by the same corporate group and were subsequently used in connection with similar deceptive ecommerce websites.

Fourth, the registrant information disclosed by the Registrar also raises doubts as to its reliability; that the registrant name "flamebearer" associated with <chocolateghirardelli.vip> does not appear to correspond to a genuine personal name, while the e-mail address associated with <myrussellstover.shop>, namely "kendrickd440@outlook.com", bears no apparent relationship to the disclosed registrant name "Ralph Perry"; that both disputed domain names also utilise free webmail services and e-mail addresses following similar textual-and-numeric formats; that in overall, these circumstances further support a finding of common control.

- The Complainant contends that the disputed domain names are confusingly similar to the trademarks GHIRARDELLI and RUSSELL STOVER, respectively, which remain clearly recognizable despite the addition of the terms 'chocolate' and 'my', respectively, that would not prevent a finding of confusing similarity under the first element.
- The Complainant contends that the Respondents have no rights or legitimate interests in respect of the disputed domain names, given that the Respondents do not have trademark rights for, nor is it commonly known by, "chocolateghirardelli.vip", "chocolateghirardelli", "myrussellstover.shop" and "myrussellstover", or any similar term; that the Respondents are not connected to nor affiliated with the Complainant and has not received license or consent to use the GHIRARDELLI and RUSSELL STOVER trademarks in any way; that the Respondents have not used, nor prepared to use, the disputed domain names in connection with a bona fide offering of goods or services, nor a legitimate non-commercial or fair use; in contrary they have been used to impersonate the Complainant, by hosting websites designed to create the misleading impression of an official affiliation with the Complainant, through the offer to sell of GHIRARDELLI and RUSSELL STOVER products. The Complainant also contends that the Respondents failed to disclose the absence of any relationship clearly and prominently with the Complainant, with it, obviating the well-established Oki Data test for bona fide resellers, distributors, or service providers; that the disputed domain names are structured around well-known trademarks as GHIRARDELLI and RUSSELL STOVER; that the term "chocolate" directly relates to the Complainant's core products, while the term "my" merely conveys a sense of personal connection or affiliation with the relevant trademark, with it, giving rise to an implied association with, or endorsement by, the Complainant.
- The Complainant contends that the disputed domain names have been registered and that are being used in bad faith, given that the Complainant's trademarks GHIRARDELLI and RUSSELL STOVER are well-known and recognized at worldwide level, which evidence the Respondents awareness at the time of the disputed domain names registrations, which clearly points to registration in bad faith; that the use given by the Respondents in this case, in summary, and despite the current inactivity of the disputes domain names, to host websites designed to create the misleading impression of an official affiliation with the Complainant, reproducing the Complainant's GHIRARDELLI and RUSSELL STOVER trademarks and purportedly offering products identified by those trademarks, without any indication on the websites that no relationship with the Complainant exists; such elements demonstrate a deliberate attempt to capitalize on user confusion for commercial gain, thereby satisfying the criteria set out in paragraph 4(b)(iv) of the Policy. Finally, in relation to the inactive use of the disputed domain name <myrussellstover.shop>, the Complainant claims the application of the well-established passive holding doctrine.

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain names are 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 that 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

A. Preliminary Issue:

Consolidation: Multiple Domain Name Registrants

Paragraph 10(e) of the Rules grants a panel the power to consolidate multiple domain name disputes. At the same time, paragraph 3(c) of the Rules provides that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder.

Having reviewed the Complainant's request and the evidence submitted in this case, the Panel finds that: (i) the entire information, inconsistencies and common location (US), of the disclosed Registrants, and in particular given the absence of Response, appears to not correspond to genuine personal names; (ii) the composition and use of the disputed domain names, based on the Complainant's well-known trademarks GHIRARDELLI and RUSSELL STOVER plus an additional term corresponds to a fraudulent pattern; (iii) both disputed domain names resolved to websites that purportedly offered to sell the Complainant's products identified by its very own trademarks without any kind of authorization, or disclaimer; (iv) both disputed domain names sought to impersonate the same Complainant and business sector, and to replicate the same fraudulent phishing scheme, by soliciting sensitive information, including personal data; (v) both disputed domain names were registered through the same registrar, Dynadot Inc., and with only two days apart, being April 21, 2026 and April 23, 2026. The facts and evidence submitted persuade the Panel that the registrants of the two (2) disputed domain names and associated websites are under common control.

The registrants are all referred to below as the "Respondent".

Therefore, in this case, it would be equitable and procedurally efficient to permit the consolidation; consequently, the Panel grants the Complainant's Consolidation Request. See WIPO Overview 3.1, section 4.11.2.

B. Principal Reasons for the Decision

Identical or Confusingly Similar

The Complainant has sufficiently proved before the Panel that it owns trademark Rights over the terms GHIRARDELLI and RUSSELL STOVER for the purposes of the Policy. See WIPO Overview 3.1, section 1.2.1.

The Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark (respectively) for the purposes of the Policy. See WIPO Overview 3.1, section 1.7.

Although the addition of other terms (here, "chocolate" and "my" respectively) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the marks for the purposes of the Policy. See WIPO Overview 3.1, section 1.8.

It is well established that for the purposes of the analysis of the first element of the Policy, in this case, the gTLDs ".vip" and ".shop"

are considered “as a standard registration requirement and as such are disregarded under the first element confusing similarity test”. See WIPO Overview 3.1, section 1.11.1.

The Panel finds the first element of the Policy has been met.

Rights or Legitimate Interests

Having reviewed the evidence submitted, to this Panel it is clear that:

- Nothing in the records suggests any demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services, or a legitimate noncommercial or fair use as set out in paragraph 4(c)(i) and 4(c)(iii) of the Policy. Instead, according to the evidence, the Respondent has used the disputed domain names to impersonate the Complainant’s business, including an unauthorized use of the well-known trademarks GHIRARDELLI and RUSSELL STOVER. Panels have held that the use of a domain name for illegal activity (g., impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. See WIPO Overview 3.1, section 2.13.1.
- There is no evidence that the Respondent owns trademark rights for, nor are commonly known by, “chocolateghirardelli.vip”, “chocolateghirardelli”, “myrussellstover.shop” and “myrussellstover”, or any similar term.
- Furthermore, the Respondent is not affiliated with nor authorized by the Complainant in any way; neither do they carry out any activity for nor has the Complainant any business with them; any license or authorization has been granted to the Respondent to make any use of the Complainant’s trademarks GHIRARDELLI and RUSSELL STOVER or apply for domain name registrations.

According to the evidence submitted before this Panel, the Complainant has made out its prima facie case, and the Respondent did not submit any response or communication, nor has it rebutted the Complainant’s contentions.

Therefore, the Respondent has no rights or legitimate interests in respect of the disputed domain names.

The Panel finds the second element of the Policy has been met.

Bad Faith: Registration and Use

Regarding Registration, the Panel finds that the Complainant’s trademark rights definitively predate the registration date of the disputed domain names. The composition and international recognition of the GHIRARDELLI and RUSSELL STOVER well-known trademarks, combined with how the disputed domain names were used, sufficiently prove to this Panel the Respondent’s knowledge of the Complainant and bad faith registration and use under the Policy. See WIPO Overview 3.1, sections 3.1.4 and 3.2.2.

Regarding Use, the Panel notes that the evidence in annexes sufficiently prove the Respondent’s knowledge of the Complainant’s business activity and of its trademark’s value, to the point of developing a fraudulent scheme to take advantage of it. Accordingly, panels have held that using a domain name for illegal activity (e.g., impersonation or other types of fraud) constitutes bad faith. See WIPO Overview 3.1, section 3.4.

Additionally, given the current inactive use of the disputed domain names [1], and as established by multiple panelists since “the inception of the UDRP, the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding.” See WIPO Overview 3.1, section 3.3.

The Panel finds the third element of the Policy has been met.

[1] Concerning the disputed domain name <myrussellstover.shop> inactive by the time of filing, but active at least until May 20, 2026.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. chocolateghirardelli.vip: Transferred
2. myrussellstover.shop: Transferred

PANELLISTS

Name **María Alejandra López García**

DATE OF PANEL DECISION **2026-07-08**

Publish the Decision
