Decision for dispute CAC-UDRP-108762

Case number	CAC-UDRP-108762
Time of filing	2026-06-26 09:45:24
Domain names	gadivas.com

Case administrator

Name	Olga Dvořáková (Case admin)

Complainant

Organization	Godiva Belgium B.V./S.R.L

Complainant representative

Organization	Stobbs IP

Respondent

Name	Maci Woyat

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 the owner of a large portfolio of GODIVA trademarks, registered in various jurisdictions worldwide, including the following:

- GODIVA (word), EU registration No. 000184622, registered on 25 September 1998, for goods in classes 29, 30 and 33;

- GODIVA Belgium 1926 (word and device), EU registration No. 018755679, registered on 23 December 2022, for goods in class 30.

The Complainant is also the owner of the domain name <godiva.eu>, which it uses as its main website, to promote and sell the GODIVA products.

FACTUAL BACKGROUND

The Complainant is a Belgian company founded in 1926 that expanded internationally from the mid-20th century onwards. Today, the Complainant is recognized as one of the world's most prestigious luxury chocolate brands. Its products, which include pralines, truffles, chocolate gift boxes, biscuits, cocoa, coffee, and other gourmet chocolate products, are sold through grocery stores, specialty retailers, and online channels, as well as through approximately 200 company-owned boutiques and cafés across Europe, the Middle East, and Asia.

The Complainant and its GODIVA-branded products have been extensively promoted and featured in articles published by leading online newspapers, including the Financial Times. Furthermore, the Complainant maintains an active presence on major social media platforms, including Facebook, with more than 590,000 followers; Instagram, with more than 340,000 followers; X (formerly Twitter), with more than 44,000 followers; and YouTube, with more than 10,000 subscribers.

The disputed domain name was registered on 26 January 2026, allegedly by an individual located in Washington, DC. The Respondent has used the disputed domain name to resolve to a website prominently displaying the Complainant's GODIVA trademark and offering purported GODIVA products for sale.

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.

In particular, the Complainant contends that the disputed domain name is confusingly similar to its GODIVA mark. The disputed domain name is a misspelling of the GODIVA trademark, as it replaces the letter "o" in the trademark with the letter "a" and adds the letter "s" at the end. Such a minor typographical variation does not prevent a finding of confusing similarity.

The Complainant further contends that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant has neither authorised nor licensed the Respondent to use its GODIVA trademark, or any misspelling thereof, in any manner, including as part of the disputed domain name. Furthermore, the Respondent does not appear to own any trademark registrations or pending trademark applications for the terms “gadiva” or “gadivas”. Accordingly, the Respondent cannot plausibly claim to have been commonly known by the disputed domain name.

Moreover, the Respondent is not making a legitimate or fair use of the disputed domain name in connection with a bona fide offering of goods or services,

The GODIVA mark long predates the registration of the disputed domain name and enjoys a substantial reputation in the confectionery industry. The disputed domain name is a misspelling of the Complainant's mark and has been used to divert users to the Respondent's website, leading them to believe that such website is operated by, affiliated with, or endorsed by the Complainant. While the disputed domain name is currently inactive, it previously resolved to a website prominently displaying the GODIVA mark and offering purported GODIVA products for sale at highly discounted prices. The website also displayed an address corresponding to the location of an official GODIVA store, thereby further reinforcing the false impression of legitimacy. The website contained no information indicating the absence of any relationship with the Complainant, nor did it include any disclaimer capable of dispelling user confusion. Accordingly, the Respondent has used the disputed domain name in a manner that falsely suggests an affiliation with the Complainant. Such use does not constitute a bona fide offering of goods or services, nor can it be regarded as a legitimate noncommercial or fair use of the disputed domain name.

Lastly, the Complainant contends that the disputed domain name has been registered and is being used in bad faith. The Complainant's mark enjoys widespread recognition. The disputed domain name incorporates an obvious misspelling of that mark. The deliberate registration of a typo-variant of the GODIVA mark strongly indicates that the Respondent had the Complainant and its GODIVA mark in mind at the time of the registration of the disputed domain name. This conclusion is reinforced by the content previously displayed on the Respondent's website. According to the Complainant, the Respondent registered the disputed domain name specifically to target the Complainant, which is clear evidence of bad faith.

The disputed domain name was registered and used to create an association with the Complainant and to derive commercial gain from advertisement and offering for sale of purported GODIVA products. Accordingly, the Respondent clearly intended to divert Internet users away from the Complainant's official website to the website associated with the disputed domain name. The fact that the Respondent used on its website an address corresponding to that of an official GODIVA store and offered purported GODIVA products at substantially reduced prices further exacerbates the disruption caused to the Complainant's business. Moreover, to the extent that the products offered through the Respondent's website were counterfeit, the Respondent's conduct also gives rise to significant consumer protection as well as health and safety concerns.

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

I. Confusing similarity

The Complainant is the owner of a large portfolio of GODIVA-registered trademarks. The disputed domain is a misspelling of the Complainant's trademark, differing from it solely by the replacement of the letter "o" with the letter "a" and the addition of the letter "s" at the end of the disputed domain name. The Panel finds the mark is recognizable within the disputed domain name. A domain name which consists of a variation of a trademark (typically a common, obvious, or intentional misspelling, referred to as typosquatting) is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. WIPO Overview 3.1, section 1.9.

Thus, the Panel concludes that the first condition under the Policy is met.

II. Rights or Legitimate Interests

Although the Complainant retains the ultimate burden of proof under the UDRP, panels have long recognized that requiring a complainant to demonstrate that a respondent has no rights or legitimate interests may amount to proving a negative, especially where the relevant facts are primarily within the respondent's knowledge. Therefore, where the complainant establishes a prima facie case that the respondent lacks rights or legitimate interests in the disputed domain name, the burden of production shifts to the respondent to rebut that case with appropriate evidence. Should the respondent fail to do so, the complainant is generally regarded as having satisfied the second element of the Policy. See WIPO Overview 3.1, section 2.1.

In this case, the Complainant has not authorized the Respondent to use a misspelling of its GODIVA mark, in any manner whatsoever, including as part of the disputed domain name. Furthermore, the Respondent is neither a licensee of the Complainant nor otherwise affiliated with it. Finally, there is no evidence in the record indicating that the Respondent has been commonly known by the disputed domain name.

While the disputed domain name is currently inactive, it was previously used to resolve to a website featuring the Complainant's GODIVA mark and offering purported GODIVA products for sale at highly discounted prices. The website displayed an address corresponding to the location of one of the Complainant's official GODIVA stores and also reproduced images depicting the official packaging of GODIVA products, without any apparent authorization from the Complainant. The use of these elements strengthened the appearance of legitimacy and suggested that the website was connected with the Complainant. Moreover, the website did not contain any disclaimer clarifying the absence of any relationship with the Complainant.

Altogether, these circumstances led the Panel to conclude that the Respondent's website was highly misleading, as it created the false impression that it was operated by, affiliated with, or endorsed by the Complainant.

The Panel further finds that the Respondent used the disputed domain name to divert Internet users seeking the Complainant and its products to the Respondent's website for commercial gain. Such use, particularly where it seeks to capitalize on consumer confusion and attract customers through the sale of purported GODIVA products at discounted prices, cannot amount to a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name.

The fact that the Respondent has now discontinued the use of the disputed domain name cannot cure the absence of rights or legitimate interests arising from its prior use. Moreover, the passive holding of a domain name does not automatically confer upon the Respondent any rights or legitimate interests in it, especially where, as is the case here, the disputed domain name contains a deliberate misspelling of the Complainant's mark.

In light of the foregoing, the Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

Accordingly, the second condition under the Policy is met.

1. Bad Faith

Under the Policy, the Complainant must establish, as the third and final element, that the disputed domain name was registered and is being used by the Respondent in bad faith.

In the instant case, the Panel notes that the disputed domain name is a typosquatted variation of the Complainant's GODIVA trademark. Given the longstanding and widespread use of the mark, the Panel finds it more likely than not that the mark is well known, at least among consumers of confectionery products. The fact that the disputed domain name contains a willful misspelling of the Complainant's mark and resolves to a website offering for sale purported GODIVA products at a discounted price, leads the Panel to conclude that the Respondent was well aware of the Complainant's GODIVA mark when it registered the disputed domain name. The registration of a disputed domain name confusingly similar to a third party's well-known trademark, with knowledge of that mark and in the absence of any rights or legitimate interests, amounts to registration in bad faith.

With respect to use in bad faith, the Panel notes that the disputed domain name initially resolved to a website featuring the GODIVA mark and purported GODIVA products, and displaying photographs of the packaging of the Complainant's products. On the Respondent's website, the alleged GODIVA products were offered at heavily discounted prices.

The Panel is not in a position to determine whether the products offered on the Respondent's website were genuine. Nevertheless, the unusually low prices at which those products were offered give rise to questions regarding their authenticity and, potentially, their existence. In such circumstances, the disputed domain name may have been used to divert Internet users to a misleading website for fraudulent or other illegitimate purposes, including the possible collection of personal or financial information from consumers or the sale of products that do not correspond to those advertised.

In any event, the Panel finds it clear from the overall circumstances described above that the Respondent has used the disputed domain name in an attempt to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's mark.

Furthermore, the Panel notes that the use of a domain name incorporating a typosquatted version of the Complainant's mark for the apparent sale of the Complainant's products is liable to cause significant harm to the Complainant's reputation and business. The Complainant operates in the luxury confectionery sector through an authorised premium retail channeland therefore has a legitimate interest in maintaining control over the manner in which its products are marketed and presented to consumers. In this regard, the products displayed on the Respondent's website were offered at heavily discounted prices, a circumstance which appears inconsistent with the image and market positioning associated with the Complainant's mark and products. The Respondent's use of the disputed domain name is apt to disrupt the Complainant's business and to create confusion among Internet users regarding the origin, legitimacy, and quality of the products purportedly offered on the website.

The fact that the disputed domain name no longer resolves to an active website does not undermine the seriousness of the Respondent's conduct described above. Indeed, the Respondent's bad faith persists even after the infringing use of the disputed domain name has ceased. The non-use of the disputed domain name cannot by itself prevent a finding of bad faith under the doctrine of passive holding. The fact that the disputed domain name consists of a typosquatting of a well-known trademark and that the Respondent has used the disputed domain name to resolve to a misleading website for commercial purposes is sufficient for the Panel to conclude that the current passive holding of the disputed domain name cannot prevent a finding of bad faith.

Finally, the Panel notes that the Whois records associated with the disputed domain name do not contain any postal address for the Registrant, Technical Contact, Administrative Contact, or Billing Contact. Furthermore, the information provided for each of these contacts is identical, suggesting that the Whois records are incomplete and potentially inaccurate. The Panel therefore considers that the Respondent may have intentionally withheld its full contact details when registering the disputed domain name, most likely to avoid being contacted by the Complainant or by consumers who may have been deceived by the Respondent’s activities. In the circumstances of this case, the provision of false or incomplete contact information constitutes, in the Panel’s view, further evidence of the Respondent’s bad faith registration and use of the disputed domain name.

In light of the foregoing, the Panel is satisfied that the third and last condition of the Policy is met.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **gadivas.com**: Transferred

PANELLISTS

Name	**Angelica Lodigiani**

DATE OF PANEL DECISION 2026-08-03

Publish the Decision