# Decision for dispute CAC-UDRP-108867

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| Case number | **CAC-UDRP-108867** |
| Time of filing | **2026-07-27 09:54:55** |
| Domain names | **ghirardellistore.com** |

## Case administrator

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| Name | **Olga Dvořáková (Case admin)** |

## Complainant

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| Organization | **Chocoladefabriken Lindt & Sprüngli AG** |

### Complainant representative

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| Organization | **SILKA AB** |

## Respondent

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| Name | |

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 <ghirardellistore.com>.

IDENTIFICATION OF RIGHTS

The Complainant, Chocoladefabriken Lindt & Sprüngli AG, is the owner of an extensive portfolio of trademark registrations worldwide consisting of or incorporating the term GHIRARDELLI, all of which predate the registration of the disputed domain name.

A representative selection of those registrations include:

- International Registration No. 936941 for GHIRARDELLI, registered on July 27, 2007, covering goods and services in International Classes 6, 14, 16, 18, 21, 25, 28 and 41;

- European Union Registration No. 003716453 for GHIRARDELLI, registered on July 27, 2005, covering goods and services in International Classes 30, 35, 42 and 43;
- International Registration No. 826074 for GHIRARDELLI, registered on March 30, 2004, covering goods and services in International Classes 30, 35 and 43;
- Canadian Registration No. TMA378615 for GHIRARDELLI, registered on January 18, 1991, covering goods in International Class 30;
- U.S. Registration No. 1376695 for GHIRARDELLI, registered on December 31, 1985, covering services in International Class 42; and
- U.S. Registration No. 205776 for GHIRARDELLI, registered on November 17, 1925, covering goods in International Class 30.

The disputed domain name ghirardellistore.com was registered on May 14, 2026.

## FACTUAL BACKGROUND

The Complainant is a Swiss manufacturer of chocolate and confectionery products, established in 1845. It operates twelve production facilities in Europe and the United States, maintains a worldwide network of subsidiaries, company-owned retail stores and independent distributors, and reported sales of CHF 5.92 billion in 2025.

In 1998 the Complainant acquired the Ghirardelli Chocolate Company, founded in San Francisco in 1852, whose products are distributed through company-operated stores, retail partners and wholesale channels. During fiscal year 2024, the Ghirardelli Chocolate Company reported sales of USD 888 million.

The Complainant is also the registrant of the domain name <ghirardelli.com>, registered on June 24, 1998, which has been used in connection with the GHIRARDELLI brand since at least 2000.

## PARTIES CONTENTIONS

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

I. The disputed domain name is confusingly similar to the Complainant's trademark

The Complainant argues that the disputed domain name incorporates its GHIRARDELLI trademark in its entirety and that the mark remains immediately recognizable within it.

The Complainant contends that the addition of the term "store" does not dispel the confusing similarity. Relying on section 1.8 of the WIPO Overview 3.1, it submits that where the relevant trademark is recognizable within the disputed domain name, the addition of other terms does not prevent a finding of confusing similarity under the first element. The Complainant further contends that the generic Top-Level Domain ("gTLD") ".com" is a standard registration requirement and should be disregarded.

Accordingly, the Complainant argues that the disputed domain name is confusingly similar to its GHIRARDELLI trademark and that the first element of paragraph 4(a) of the Policy is satisfied.

II. The Respondent does not have any rights or legitimate interests in the disputed domain name

The Complainant contends that the Respondent is not commonly known by the disputed domain name, owns no trademark rights in the terms "ghirardellistore" or <ghirardellistore.com>, and has never been authorized or licensed to use the GHIRARDELLI trademark or to register a domain name incorporating that mark.

The Complainant submits that the disputed domain name no longer resolves to active content following a takedown request, but that it previously resolved to a website which replicated the appearance of the Complainant's official website, prominently displayed the GHIRARDELLI trademark, offered GHIRARDELLI-branded products at substantial discounts, reproduced the Complainant's corporate history in its "About Us" section, and displayed a copyright notice reading "© 2026 Ghirardelli Chocolate Company", the Ghirardelli Chocolate Company being a company acquired by the Complainant in 1998. According to the Complainant, the website also requested users' personal and payment card details during the checkout process and contained no disclaimer or other indication that it was independently operated or unaffiliated with the Complainant.

The Complainant argues that such use does not constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use under the Policy. It further submits that the Respondent cannot rely on the principles established in Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903, because the website failed accurately to disclose the absence of any relationship with the Complainant and instead falsely suggested sponsorship or endorsement.

The Complainant further contends that the composition of the disputed domain name, combining the well-known GHIRARDELLI trademark with the term "store", a term inherently associated with the Complainant's retail activities, reinforces the false impression that the website constitutes an official or authorized online store of the Complainant and amounts to impersonation or a false suggestion of affiliation.

Accordingly, the Complainant argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name and that the second element of paragraph 4(a) of the Policy is satisfied.

III. The disputed domain name has been registered and is being used in bad faith

The Complainant argues that the GHIRARDELLI brand dates back to 1852, that its trademark rights have been protected for many decades, and that the GHIRARDELLI mark has acquired considerable reputation and recognition worldwide, as reflected in the Complainant's longstanding commercial use, extensive trademark portfolio, official online presence and social media following, as well as prior UDRP decisions recognizing the fame of the mark. The Complainant submits that, in these circumstances, the Respondent could not plausibly have registered the disputed domain name without prior knowledge of the Complainant and its trademark rights.

The Complainant further contends that the Respondent deliberately combined the GHIRARDELLI trademark with the descriptive term "store", a word directly associated with the Complainant's retail and commercial activities. According to the Complainant, that combination, together with the Respondent's subsequent use of the disputed domain name for a website impersonating the Complainant, demonstrates an intention to exploit the goodwill associated with the GHIRARDELLI mark and creates the false impression of an official or authorized online store. The Complainant submits that such conduct constitutes impersonation and a false suggestion of affiliation within the meaning of section 3.1.4 of the WIPO Overview 3.1.

The Complainant further submits that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website by reproducing the GHIRARDELLI trademark without authorization, displaying the Complainant's branding, presenting itself as an official or authorized website of the Complainant, and offering GHIRARDELLI-branded products for sale. According to the Complainant, the Respondent thereby created a likelihood of confusion as to the source, sponsorship, affiliation or endorsement of the website and the products offered thereon within the meaning of paragraph 4(b)(iv) of the Policy. The Complainant further contends that the collection of users' personal and payment card information through the checkout process created a risk of phishing and other fraudulent activity.

Finally, the Complainant submits that the disputed domain name no longer resolves to active content following a takedown request, but that such inactivity does not prevent a finding of bad faith. Relying on the doctrine of passive holding reflected in section 3.3 of the WIPO Overview 3.1, the Complainant argues that the disputed domain name should nevertheless be found to have been registered and used in bad faith.

Accordingly, the Complainant argues that the disputed domain name has been registered and is being used in bad faith and that the third element of paragraph 4(a) of the Policy is satisfied.

Therefore, the Complainant contends that the requirements of the Policy have been met and requests transfer of the disputed domain name.

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

The UNIFORM DOMAIN NAME DISPUTE RESOLUTION POLICY (UDRP) of the Internet Corporation for Assigned Names and Numbers (ICANN) (the “Policy”) provides that complainant must prove each of the following to obtain transfer or cancellation of the domain name:

1. that respondent’s domain name is identical or confusingly similar to a trademark or service mark in which complainant has rights;

and

2. that respondent has no rights or legitimate interests in respect of the domain name; and

3. the domain name has been registered and is being used in bad faith.

1) The disputed domain name is confusingly similar to a trademark in which the Complainant has rights

Paragraph 4(a)(i) of the Policy requires the Complainant to establish that the disputed domain name is identical or confusingly similar to a trademark in which it has rights.

The Panel finds that the Complainant has established rights in the GHIRARDELLI trademark through its trademark registrations identified above.

The disputed domain name incorporates the Complainant's GHIRARDELLI trademark in its entirety. The Complainant's trademark remains immediately recognizable within the disputed domain name. The additional term "store" does not prevent a finding of confusing similarity. Consistent with section 1.8 of the WIPO Overview 3.1, where the relevant trademark is recognizable within the disputed domain name, the addition of descriptive or other terms does not prevent a finding of confusing similarity under the first element of the Policy.

The Panel notes that the nature of the additional term "store" may bear on the assessment under the second and third elements of the Policy and returns to it below.

Finally, the ".com" generic Top-Level Domain is a standard registration requirement and is disregarded for purposes of the confusing similarity assessment.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's GHIRARDELLI trademark. The Complainant has therefore satisfied paragraph 4(a)(i) of the Policy.

2) The Respondent lacks rights or legitimate interests in the disputed domain name

Paragraph 4(a)(ii) of the Policy requires the Complainant to establish that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Although the overall burden of proof rests with the Complainant, it is well established that once a complainant makes out a prima facie case, the burden of production shifts to the respondent to demonstrate rights or legitimate interests (section 2.1 of the WIPO Overview 3.1).

The Panel is satisfied that the Complainant has established such a prima facie case. The Complainant has stated that it has never authorized the Respondent to use the GHIRARDELLI trademark or to register a domain name incorporating that mark. There is no evidence that the Respondent has been commonly known by the disputed domain name or has acquired any trademark or other rights in the term GHIRARDELLI.

The Respondent has not submitted a Response and has therefore failed to rebut the Complainant's prima facie case.

The evidence establishes the following. The disputed domain name does not currently resolve to active content. Prior to the removal of that content, it resolved to a commercial website offering GHIRARDELLI-branded chocolate products for sale at prices discounted by approximately half against the prices displayed alongside them. The website reproduced the Complainant's figurative GHIRARDELLI logo throughout, including in its header, and replicated the overall appearance and design of the Complainant's official website. Its browser page title read "Ghirardelli Chocolate Company". Its "About Us" page was written from the perspective of the Complainant itself, referring to "our company", "our purpose" and "our communities". Its footer displayed a copyright notice reading "© 2026 Ghirardelli Chocolate Company". The website contained no disclaimer or other statement addressing the existence or absence of any relationship between the Respondent and the Complainant.

The Panel notes that the Complainant's trademark registrations identified above are word marks. The reproduction of the Complainant's figurative logo is therefore relevant not to the Complainant's standing, but as part of the evidence of how the website presented itself to Internet users.

Taken together, these features convey a single and consistent message: that the website was the Complainant's own online store. The browser page title identifies the website as "Ghirardelli Chocolate Company". The copyright notice attributes ownership of the site to the Complainant's subsidiary of that name. The "About Us" page does not describe the Complainant from the perspective of a third party, but speaks in the Complainant's voice. The Panel considers the first-person presentation to be of particular significance: an independent retailer describes the brand it sells, whereas the Respondent's website purported to be the brand owner. Each of these features points the same way, and the Panel does not regard their combination as capable of innocent explanation.

The composition of the disputed domain name reinforces that impression rather than dispelling it. As foreshadowed under the first element, the term "store" is not a neutral addition to the Complainant's trademark. The Panel notes that the Complainant's trademark registrations extend to retail services in International Class 35, and that the Complainant operates both physical stores and online sales channels. A domain name combining the GHIRARDELLI trademark with the term "store" therefore carries a high risk of implied affiliation, suggesting to Internet users an official or authorized online store of the Complainant (section 2.5.1 of the WIPO Overview 3.1). Nothing on the website served to correct that suggestion.

The Panel does not consider the principles developed in Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903, and summarized in section 2.8 of the WIPO Overview 3.1, to be applicable in the present case. Those principles govern the circumstances in which an unauthorized reseller or distributor of a trademark owner's goods may nevertheless establish rights or legitimate interests, and presuppose a respondent that holds itself out as an independent seller of the trademark owner's goods. That the website offered exclusively GHIRARDELLI-branded products might, viewed in isolation, suggest that framework. The evidence as a whole shows otherwise: the Respondent did not present itself as an independent seller of GHIRARDELLI products, but as the Complainant. The question raised by this case is therefore one of impersonation rather than of unauthorized resale, and the Oki Data criteria do not fall to be applied.

The Panel makes no finding that the website was used for phishing or other fraudulent activity. The evidence establishes that the checkout process requested users' names, postal addresses, telephone numbers, email addresses and payment card details; it does not establish what became of any information submitted. No such finding is necessary. It is sufficient that the website presented itself as the Complainant while inviting users to submit personal and payment information, which underlines both the commercial character of the impersonation and the practical consequences for Internet users who were likely to be misled by it.

The Panel accordingly finds that the Respondent's use of the disputed domain name constitutes neither a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy nor a legitimate noncommercial or fair use within the meaning of paragraph 4(c)(iii). The use of a domain name to impersonate a trademark owner cannot give rise to rights or legitimate interests under the Policy.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has therefore satisfied paragraph 4(a)(ii) of the Policy.

3) The disputed domain name has been registered and is being used in bad faith

Paragraph 4(a)(iii) of the Policy requires the Complainant to establish that the disputed domain name was both registered and is being used in bad faith.

Although the Respondent has not replied to the Complaint, the Panel has reached the findings set out below on the basis of the evidence submitted by the Complainant, and not by reason of the Respondent's default.

Registration in bad faith

The Panel is satisfied, on the evidence submitted, that the GHIRARDELLI trademark had acquired a substantial reputation long before the registration of the disputed domain name on May 14, 2026. The GHIRARDELLI brand dates back to 1852; the Complainant's earliest trademark registration relied upon in these proceedings dates from 1925; and the Complainant owns trademark registrations for GHIRARDELLI in numerous jurisdictions. The Complainant has used the mark continuously in commerce, maintains an official website at <ghirardelli.com>, registered in 1998, and promotes the GHIRARDELLI brand through official social media channels with substantial followings. The Panel further notes that previous UDRP panels have recognized the reputation of the GHIRARDELLI trademark.

The composition of the disputed domain name likewise indicates that it was selected with the Complainant in mind. The Respondent did not combine the Complainant's trademark with an arbitrary or unrelated expression. Rather, it combined the GHIRARDELLI trademark with the term "store", a term directly associated with the Complainant's retail activities and corresponding to services for which the Complainant's trademark is registered. The Panel finds that the disputed domain name was selected because of its association with the Complainant, and not for any independent or descriptive reason.

The Panel notes in this connection that panels have found that the registration by an unaffiliated party of a domain name incorporating a famous or widely known trademark together with a descriptive term may, in appropriate circumstances, create a presumption of bad faith (section 3.1.4 of the WIPO Overview 3.1). The Panel does not need to rely on that presumption in the present case, since the Respondent's subsequent use of the disputed domain name provides direct evidence of targeting.

The Respondent's subsequent use of the disputed domain name strongly confirms that inference. The website established under the disputed domain name did not merely refer to the Complainant or its products. It presented itself as the Complainant through the reproduction of the Complainant's figurative GHIRARDELLI logo, a browser page title identifying the website as "Ghirardelli Chocolate Company", an "About Us" page written in the Complainant's voice, and a copyright notice attributing the website to "© 2026 Ghirardelli Chocolate Company". Conduct of that nature is not consistent with a registrant unaware of the Complainant or its trademark rights. Conduct of that nature confirms that the disputed domain name was registered with the intention of targeting the Complainant from the outset.

The Panel accordingly finds that the Respondent registered the disputed domain name with knowledge of, and with the intention of targeting, the Complainant and its GHIRARDELLI trademark.

Use in bad faith

The findings set out above also establish that the Respondent used the disputed domain name in bad faith.

By using the disputed domain name in that manner, the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the website and of the products offered on it. The Panel therefore finds that the Respondent's conduct falls squarely within paragraph 4(b)(iv) of the Policy.

The same facts also constitute a clear case of impersonation and false suggestion of affiliation, which reinforces the Panel's conclusion under paragraph 4(b)(iv).

The Panel makes no finding that the website was used for phishing or other fraudulent activity. The evidence establishes that the checkout process requested users' names, postal addresses, telephone numbers, email addresses and payment card details; it does not establish what became of any information submitted. No such finding is necessary. It is sufficient that the website presented itself as the Complainant while inviting users to submit personal and payment information, which further illustrates the commercial character of the impersonation and the practical consequences for Internet users who were likely to be misled by it.

Subsequent inactivity of the disputed domain name

At the time the Complaint was filed, the disputed domain name no longer resolved to active content following the removal of the website. That subsequent inactivity does not alter the Panel's assessment. The evidence establishes prior active use of the disputed domain name in bad faith, and the current absence of content neither cures nor negates that earlier conduct. It is therefore unnecessary for the Panel to consider the Complainant's alternative submission based on the doctrine of passive holding.

Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith. The Complainant has therefore satisfied 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. **ghirardellistore.com**: Transferred

## PANELLISTS

| | |
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| Name | **Barbora Donathová** |

DATE OF PANEL DECISION 2026-08-21

Publish the Decision