Decision for dispute CAC-UDRP-108943

Case number	CAC-UDRP-108943
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Domain names	ghirardellisell.com

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

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.

IDENTIFICATION OF RIGHTS

The Complainant, Chocoladefabriken Lindt & Sprüngli AG, relies on its rights in the word mark GHIRARDELLI, which is protected by an extensive portfolio of trademark registrations worldwide. A representative selection of those registrations includes:

1. U.S. trademark registration No. 205776 GHIRARDELLI, registered on November 17, 1925, for goods in class 30;
2. U.S. trademark registration No. 1645206 GHIRARDELLI, registered on May 21, 1991, for goods and services in classes 16, 18, 21, 25, 30 and 42;
3. U.S. trademark registration No. 3508893 GHIRARDELLI, registered on September 30, 2008, for goods in classes 6, 16, 18, 21, 25 and 28;
4. European Union trademark registration No. 003716453 GHIRARDELLI, registered on July 27, 2005, for goods and services in classes 30, 35, 42 and 43;
5. International trademark registration No. 826074 GHIRARDELLI, registered on March 30, 2004, for goods and services in classes 30, 35 and 43;
6. International trademark registration No. 936941 GHIRARDELLI, registered on July 27, 2007, for goods and services in

classes 6, 14, 16, 18, 21, 25, 28 and 41;
7. Canadian trademark registration No. TMA378615 GHIRARDELLI, registered on January 18, 1991, for goods in class 30; and
8. Canadian trademark registration No. TMA763505 GHIRARDELLI, registered on April 8, 2010, for goods and services in classes 16, 18, 21, 25, 30, 35 and 43.

The Complainant further relies on the domain name <ghirardelli.com>, registered in 1998, through which it operates its official website.

The disputed domain name <ghirardellisell.com> was registered on July 29, 2026.

FACTUAL BACKGROUND

The Complainant, founded in 1845, is a Swiss chocolate manufacturer and the holding company of the Lindt & Sprüngli Group. The Group produces chocolate at 12 production sites in Europe and the United States, sells its products through 41 subsidiaries and branch offices, approximately 650 own stores and approximately 100 distributors, employs approximately 15,500 people and reported sales of CHF 5.92 billion in 2025.

In 1998, the Ghirardelli Chocolate Company, founded in 1852 and headquartered in California, became part of the Lindt & Sprüngli Group. In fiscal year 2024, the Ghirardelli Chocolate Company generated sales of approximately USD 888 million. GHIRARDELLI products are sold through the company's own stores, retail partners and wholesale distributors, as well as online through the Complainant's official website at <ghirardelli.com>.

The disputed domain name <ghirardellisell.com> was registered on July 29, 2026, by the Respondent, . At the time of filing of the Complaint, the disputed domain name resolved to a website presenting itself as an official GHIRARDELLI online store, which displayed the Complainant's GHIRARDELLI logo and images of GHIRARDELLI-branded products offered at discounted prices, reproduced content from the Complainant's official website, bore the copyright notice "© 2026 Ghirardelli Chocolate Company" and requested Internet users' personal and payment card details at checkout.

The Respondent did not file a Response.

PARTIES CONTENTIONS

The Complainant contends that each of the three elements set out in paragraph 4(a) of the Policy is satisfied. Its contentions may be summarised as follows.

As to the first element, the Complainant submits that it holds numerous trademark registrations for the GHIRARDELLI mark, which satisfy the threshold requirement of trademark rights for standing under the first element (WIPO Overview 3.1, section 1.2.1). It contends that the disputed domain name incorporates the GHIRARDELLI mark in its entirety and merely adds the descriptive term "sell", the mark remaining clearly recognisable within the disputed domain name (WIPO Overview 3.1, sections 1.7 and 1.8), and that the generic Top-Level Domain ".com" is to be disregarded (WIPO Overview 3.1, section 1.11.1). The Complainant refers to CAC-UDRP-108648, in which the panel found domain names incorporating the GHIRARDELLI mark together with the additional terms 'us', 'mall' and 'shop' to be confusingly similar, holding that those additions did not distinguish the domain names or prevent a finding of confusing similarity.

As to the second element, the Complainant submits that it is required only to make out a prima facie case, whereupon the burden of production shifts to the Respondent (WIPO Overview 3.1, section 2.1), and that none of the circumstances listed in paragraph 4(c) of the Policy applies. The Complainant contends that the Respondent does not hold trademark rights in, and is not commonly known by, "ghirardellisell" or any similar term, which has no dictionary meaning; that the Respondent is not affiliated with the Complainant and has not been licensed or otherwise authorised to use the GHIRARDELLI mark; and that mere registration of a domain name does not confer rights or legitimate interests, referring to NAF Case No. 2009654.

The Complainant further contends that the disputed domain name resolves to a website impersonating the Complainant as an official GHIRARDELLI online store, which displays the Complainant's logo and images of GHIRARDELLI-branded products purportedly offered at discounted prices, and which invites Internet users to proceed to a checkout page requesting their full name, postal address, telephone number, email address and payment card details. According to the Complainant, such impersonation and passing off, exposing users to a clear risk of phishing or fraud, can never confer rights or legitimate interests (WIPO Overview 3.1, section 2.13.1). The Complainant further submits that the Respondent cannot rely on the Oki Data criteria (WIPO Overview 3.1, section 2.8.1), since the website does not disclose the absence of any relationship with the Complainant but, on the contrary, copies content from the Complainant's official website, including portions of its "About Us" pages, and displays the copyright notice "© 2026 Ghirardelli Chocolate Company". Finally, the Complainant contends that the combination of the GHIRARDELLI mark with the inherently commercial term "sell" suggests an official or authorised online sales channel, carries a high risk of implied affiliation and

cannot constitute fair use (WIPO Overview 3.1, section 2.5.1).

As to the third element, the Complainant submits that the GHIRARDELLI mark enjoys substantial goodwill and recognition, having been used for over a century, and that its trademark registrations long predate the registration of the disputed domain name in 2026. It states that the reputation of the GHIRARDELLI mark has been recognised in prior UDRP decisions, citing WIPO Case No. D2007-0446 (<ghirardellichocolates.com>), CAC-UDRP-107226 (<ghiraradelli.com>), CAC-UDRP-108014 (<ghirardelll.com>) and CAC-UDRP-108441 (<ghirardellidark.com>), that the mark is readily identifiable in publicly accessible trademark databases, and that a Google search for "ghirardellisell" returns results relating to the Complainant's brand. The Complainant argues that the combination of its distinctive mark with the commercial term "sell" cannot be coincidental and evidences the Respondent's prior knowledge of, and intention to target, the Complainant.

The Complainant further contends that the Respondent uses the disputed domain name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy, by intentionally attracting Internet users for commercial gain to a website impersonating the Complainant, reproducing its logo, product images and content from its official website, displaying the copyright notice "© 2026 Ghirardelli Chocolate Company" and collecting users' personal and payment information (WIPO Overview 3.1, sections 3.1.4 and 2.13.1). The Complainant refers to CAC-UDRP-106393 (<linditbrasil.com>) and CAC-UDRP-108648 (<ghirardelliusmall.com> et al.).

Finally, the Complainant submits that the same Respondent was found in CAC-UDRP-108867 to have registered and used the domain name <ghirardellistore.com> in bad faith in materially similar circumstances, including the display of the same copyright notice, and that this prior finding confirms a deliberate and repeated targeting of the GHIRARDELLI brand.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is 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 Complaint was filed with the Czech Arbitration Court (the "CAC") in accordance with the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP"), the Rules for the Uniform Domain Name Dispute Resolution Policy (the "Rules") and the CAC Supplemental Rules (the "Supplemental Rules").

The CAC verified that the Complaint satisfied the formal requirements of the Policy, the Rules and the Supplemental Rules. The CAC formally notified the Respondent of the Complaint and the proceedings commenced. The due date for a Response was duly set.

The Respondent did not submit any Response. Accordingly, the CAC notified the Respondent of its default. The Panel was appointed in accordance with the Rules. The Panel has submitted its Statement of Acceptance and Declaration of Impartiality and Independence, as required by the CAC to ensure compliance with the Rules.

The language of the proceedings is English.

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

For the Complainant to succeed it must prove, within the meaning of paragraph 4(a) of the Policy, that:

(i) The 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 domain name; and

(iii) The domain name has been 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 alone. In the absence of a Response, the Panel accepts the Complainant's undisputed factual assertions, which are supported by the evidence on record, as true, and draws such inferences as it considers appropriate pursuant to paragraph 14(b) of the Rules.

I. The domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights

Pursuant to paragraph 4(a)(i) of the Policy, the Complainant must establish that the disputed domain name is identical or confusingly similar to a trademark or service mark in which it has rights.

The Complainant has established, by the evidence on record, that it holds rights in the word mark GHIRARDELLI, in particular by virtue of the trademark registrations identified above, the earliest of which, U.S. trademark registration No. 205776, dates from 1925. A nationally or regionally registered trademark prima facie satisfies the threshold requirement of having trademark rights for the purposes of the first element (WIPO Overview 3.1, section 1.2.1).

The first element functions primarily as a standing requirement and involves a side-by-side comparison of the disputed domain name and the textual components of the relevant trademark. The disputed domain name <ghirardellisell.com> incorporates the GHIRARDELLI mark in its entirety, followed by the term "sell". The GHIRARDELLI mark is placed at the beginning of the disputed domain name and remains clearly recognisable within it. Where the relevant trademark is recognisable within the disputed domain name, the addition of other terms, whether descriptive or otherwise, does not prevent a finding of confusing similarity under the first element (WIPO Overview 3.1, sections 1.7 and 1.8). The same approach was adopted in earlier proceedings concerning the GHIRARDELLI mark, including CAC-UDRP-108648 and CAC-UDRP-108867.

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

The generic Top-Level Domain ".com" is a standard registration requirement and is, as a rule, disregarded for the purposes of the assessment under the first element (WIPO Overview 3.1, section 1.11.1).

The Panel accordingly finds that the disputed domain name is confusingly similar to the Complainant's GHIRARDELLI trademark, and that the first element of paragraph 4(a) of the Policy is satisfied.

II. The Respondent has no rights or legitimate interests in respect of the domain name

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

In accordance with consistent UDRP practice, the burden of proof under this element rests upon the Complainant. However, given that proving a negative fact lying within the exclusive knowledge of the Respondent would entail an excessive evidentiary burden, it suffices for the Complainant to make out a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. Once such a prima facie case is established, the burden of production shifts to the Respondent to demonstrate that it does possess rights or legitimate interests within the meaning of paragraph 4(c) of the Policy. If the Respondent fails to come forward with relevant allegations or evidence, the Complainant is generally deemed to have satisfied the second element (WIPO Overview 3.1, section 2.1).

In the present case, the Complainant has submitted, and the Panel accepts, that:

1. The Respondent is identified as " ", a name which bears no resemblance to the disputed domain name, and there is nothing on record to suggest that the Respondent is commonly known by the disputed domain name or holds any trademark or other rights in the term "ghirardellisell".
2. The Respondent is not affiliated with the Complainant, and the Complainant has granted the Respondent neither a licence nor any other authorisation to use the GHIRARDELLI trademark or to register a domain name incorporating it.
3. The disputed domain name has not been used in connection with a bona fide offering of goods or services or for a legitimate noncommercial or fair use. Instead, it has been used for a commercial website which presents itself as the Complainant's own online store.

The evidence on record establishes that the website to which the disputed domain name resolved prominently displayed the Complainant's GHIRARDELLI logo and images of GHIRARDELLI-branded products purportedly offered at discounted prices, reproduced content from the Complainant's official website, including portions of its "About Us" pages, and bore in its footer the copyright notice "© 2026 Ghirardelli Chocolate Company", thereby attributing the website to the Complainant's subsidiary of that name. The checkout process requested Internet users' full names, postal addresses, telephone numbers, email addresses and payment card details. The website contained nothing that would disclose the absence of any relationship between the Respondent and the Complainant.

Taken together, these features convey a single and consistent message, namely that the website is operated by the Complainant or with its authorisation. The Panel does not consider the principles set out in section 2.8 of the WIPO Overview 3.1 (the so-called Oki Data criteria) to be of assistance to the Respondent. Those principles presuppose a respondent that holds itself out as a reseller or distributor of the trademark owner's goods and accurately and prominently discloses its relationship with the trademark owner. The Respondent did not present itself as an independent seller of GHIRARDELLI products but as the Complainant itself. The present case is therefore one of impersonation rather than of unauthorised resale, and in any event the third Oki Data criterion is manifestly not met.

The composition of the disputed domain name reinforces that impression. The term "sell" is inherently commercial and, combined with the GHIRARDELLI mark reproduced in full, is apt to suggest to Internet users an official or authorised online sales channel of the Complainant. A domain name consisting of a trademark and an additional term cannot constitute fair use where it effectively impersonates or suggests sponsorship or endorsement by the trademark owner (WIPO Overview 3.1, section 2.5.1).

The Panel makes no finding that the website was in fact used for phishing or other fraudulent activity, and no such finding is necessary. It is sufficient that the website impersonated the Complainant while inviting Internet users to submit personal and payment information. The use of a domain name for impersonation or passing off can never confer rights or legitimate interests on a respondent (WIPO Overview 3.1, section 2.13.1).

The Panel therefore finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent, having failed to file a Response, has not rebutted that prima facie case and has not put forward any of the circumstances set out in paragraph 4(c) of the Policy, or any other basis on which rights or legitimate interests might be founded.

Accordingly, the Panel finds 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 domain name has been registered and is being used in bad faith

Pursuant to paragraph 4(a)(iii) of the Policy, the Complainant must establish that the disputed domain name has been registered and is being used in bad faith. Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances which, if found by the Panel to be present, shall be evidence of registration and use in bad faith, including, in paragraph 4(b)(iv), circumstances indicating that, by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location.

As to 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 in 2026. The GHIRARDELLI brand dates back to 1852, the Complainant's earliest trademark registration relied on 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> and promotes the GHIRARDELLI brand through social media channels with substantial followings. The GHIRARDELLI mark has no descriptive meaning, and a search engine query for "ghirardellisell" returns results relating to the Complainant's brand. Previous UDRP panels have likewise recognised the reputation of the GHIRARDELLI trademark.

The composition of the disputed domain name confirms that it was selected with the Complainant in mind. The Respondent did not combine the GHIRARDELLI trademark with an arbitrary or unrelated expression, but with the term "sell", which relates directly to the commercial activities for which the Complainant's trademark is used. 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, by itself create a presumption of bad faith (WIPO Overview 3.1, section 3.1.4). The Panel need not rely on that presumption alone, since the Respondent's subsequent use of the disputed domain name provides direct evidence of targeting.

The website operated 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 GHIRARDELLI logo, content copied from the Complainant's official website and a copyright notice attributing the website to the Ghirardelli Chocolate Company. Conduct of that nature is not consistent with a registrant unaware of the Complainant or its trademark rights, and confirms that the disputed domain name was registered with the intention of targeting the Complainant from the outset.

The Panel further notes the Complainant's undisputed submission that the same Respondent was found, in CAC-UDRP-108867, to have registered and used the domain name <ghirardellistore.com> in bad faith for a website impersonating the Complainant, which bore the identical copyright notice "© 2026 Ghirardelli Chocolate Company" and likewise solicited personal and payment information. While each case must be decided on its own merits, this earlier finding, together with the striking similarity of the two websites, further supports the conclusion that the Respondent has deliberately and repeatedly targeted the Complainant's GHIRARDELLI trademark.

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.

As to use in bad faith, the findings set out above equally establish that the Respondent has used the disputed domain name in bad faith. By using the disputed domain name, which is confusingly similar to the Complainant's trademark, for a commercial website impersonating the Complainant and purporting to offer GHIRARDELLI-branded products at discounted prices, the Respondent has 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 that website and of the products offered on it. The Respondent's conduct therefore falls squarely within paragraph 4(b)(iv) of the Policy. The solicitation of Internet users' personal and payment card details under the false impression of dealing with the Complainant further aggravates that conduct and exposes Internet users to a real risk of harm, irrespective of what ultimately became of the information submitted.

Having regard to the distinctiveness and reputation of the Complainant's trademark, the composition of the disputed domain name, the impersonating content of the Respondent's website, the Respondent's prior bad faith conduct directed at the same trademark, and the Respondent's failure to file any Response or to provide any explanation, the Panel finds that the disputed domain name was registered and is being used in bad faith, and that the third element of paragraph 4(a) of the Policy is satisfied.

Conclusion

All three elements set out in paragraph 4(a) of the Policy having been established to the satisfaction of the Panel, the Panel concludes that the Complaint is well-founded and that the disputed domain name <ghirardellisell.com> should be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ghirardellisell.com**: Transferred

PANELLISTS

Name	**Petr Hostaš**

DATE OF PANEL DECISION 2026-09-22

Publish the Decision