Decision for dispute CAC-UDRP-108954

Case number	CAC-UDRP-108954
Time of filing	2026-08-27 09:51:50
Domain names	ghirarrdellii.shop

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	Bathrick Tracy

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 has submitted evidence of, among others, the following registrations for the GHIRARDELLI trademark:

- United States word trademark “GHIRARDELLI”, no. 205776, registered on 17 November 1925, for goods in class 30;
- United States word trademark “GHIRARDELLI”, no. 1645206, registered on 21 May 1991, for goods in classes 16, 18, 21, 25, 30 and 42;
- European Union word trademark “GHIRARDELLI”, no. 003716453, registered on 27 July 2005, for goods in classes 30, 35, 42 and 43;

The GHIRARDELLI trademark is also referred to below as the “Trademark”.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT

The Complainant is a Swiss chocolate manufacturer. The Ghirardelli Chocolate Company became part of the Lindt & Sprüngli Group in 1998. The Complainant states that it owns trademark registrations for GHIRARDELLI in several jurisdictions, including United States registrations dating from 1925, and that it sells Ghirardelli products through the website at <ghirardelli.com>.

The Complainant states that the disputed domain name initially resolved to a website displaying GHIRARDELLI-branded products, using a GHIRARDELLI-branded favicon and purporting to offer the products at an 80% discount. According to the Complainant, the domain name subsequently redirected visitors to <abuugarcia.shop> and then to <8bittjdo.it.com>. The Complainant describes the destination websites as displaying products associated with the ABU GARCIA and 8BITDO brands, respectively, and requesting personal and payment details during checkout.

The disputed domain name was registered on 8 August 2026.

The Complainant states that it has no connection with the Respondent and has not authorised the Respondent to use the Trademark. It requests transfer of the disputed domain name.

PARTIES CONTENTIONS

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

Confusing similarity

The disputed domain name, <ghirarrdellii.shop>, differs from the GHIRARDELLI Trademark only by the addition of an “r” and an “i”.

The Complainant submits that the additional letters do not prevent the Trademark from being recognisable in the disputed domain name.

The Complainant further submits that the “.shop” generic Top-Level Domain (gTLD) should be disregarded in assessing confusing similarity.

The Panel finds that the Trademark remains readily recognisable in the disputed domain name, notwithstanding the additional letters.

The “.shop” gTLD is generally disregarded for the purposes of paragraph 4(a)(i) of the Policy.

For these reasons, the Panel concludes that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

Rights or legitimate interests

The Complainant bears the overall burden of proof under paragraph 4(a)(ii) of the Policy. Where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production shifts to the respondent to provide relevant evidence. The burden of proof remains with the complainant.

The Complainant submits that:

- The Respondent is not commonly known by the disputed domain name;
- The Respondent has no trademark rights in "ghirarrdellii" or a similar term;
- The disputed domain name was initially used for a website displaying GHIRARDELLI-branded products, including the Complainant's branded favicon and purported discounts of 80%. It later redirected to <abuugarcia.shop> and <8bittjdo.it.com>, websites displaying ABU GARCIA and 8BITDO branding, respectively, as well as discounted products and checkout forms requesting personal and payment details. The Complainant submits that this is neither a bona fide offering of goods or services nor a legitimate non-commercial or fair use;
- The Respondent is not affiliated with the Complainant and has not been authorised to use the Trademark.

The Respondent did not submit a response or evidence of any rights or legitimate interests in the disputed domain name.

The Panel finds that the Complainant has made out a prima facie case for the following reasons:

- The disputed domain name closely resembles the Trademark, differing only by an additional "r" and "i". Its composition carries a risk of implied affiliation with the Complainant;
- There is no evidence that the Respondent is commonly known by the disputed domain name or a corresponding name;
- There is no evidence that the Respondent holds trademark rights in "ghirarrdellii" or a similar term;
- The Complainant's Trademark registrations substantially predate the registration of the disputed domain name, including in the United States, where the Respondent is listed as being located;
- The evidence of the GHIRARDELLI-branded website and subsequent redirects to commercial websites displaying third-party branding does not support a finding of a bona fide offering of goods or services or a legitimate non-commercial or fair use of the disputed domain name;
- The Complainant has not authorised the Respondent to use the Trademark, and the record does not indicate any connection between the parties.

The Respondent has not rebutted the Complainant's prima facie case.

On the balance of probabilities, the Panel finds that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Panel therefore concludes that the Complainant has established the second element of the Policy.

Bad faith

The Complainant submits that the GHIRARDELLI Trademark is well known and that the Respondent was aware of it when registering the disputed domain name.

The Complainant argues that the additional "r" and "i" make the disputed domain name a deliberate misspelling of the Trademark.

The Complainant states that the disputed domain name initially resolved to a website displaying GHIRARDELLI products, purporting to offer them at an 80% discount and using the Complainant's branded favicon.

The Complainant further states that the disputed domain name subsequently redirected users to <abuugarcia.shop> and then <8bittjdo.it.com>. Those websites displayed ABU GARCIA and 8BITDO branding, respectively, discounted products and checkout forms requesting personal and payment details.

The Complainant submits that these uses sought to exploit Internet-user confusion for commercial gain.

The Panel assesses the evidence as follows.

First, the disputed domain name consists of a close misspelling of the distinctive GHIRARDELLI Trademark, with an additional "r" and "i". This strongly suggests that the Respondent targeted the Complainant when registering the disputed domain name.

Second, the Complainant's Trademark registrations substantially predate the registration of the disputed domain name.

Third, the Complainant holds United States registrations for the Trademark, and the Respondent is listed as being located in the United States. The initial use of the disputed domain name for a GHIRARDELLI-branded website further demonstrates the

Respondent's knowledge of the Trademark.

Fourth, the Complainant has provided evidence that, on 19 August 2026, the disputed domain name redirected to <abuugarcia.shop>. That website displayed the trademarks and logos of Abu Garcia, a fishing tackle brand with Swedish origins, and appeared at first sight to imitate its official website. On 25 August 2026, the disputed domain name redirected to <8bittjdo.it.com>, which displayed the trademarks and logos of 8BitDo, a manufacturer of video game controllers, and likewise appeared to imitate its official website. Both destination websites advertised discounted products and presented checkout forms requesting personal and payment details. The Complainant has also provided a screenshot of a Google search result containing an AI-generated warning by Google that describes the website at the disputed domain name as "a fraudulent scam online store" and "a highly suspicious, copycat website". The Panel treats that warning as a search result rather than independent proof of fraud. In the Panel's view, the redirect evidence, together with the appearance and commercial features of the destination websites, supports a finding that the disputed domain name was used in bad faith to divert Internet users for commercial gain.

The Respondent has not contested this evidence or provided an explanation for the choice and use of the disputed domain name.

Considering the composition of the disputed domain name and the evidence of its use, the Panel finds that the Respondent registered it with knowledge of the Trademark and used it to attract Internet users for commercial gain.

The Panel finds that, by using the disputed domain name in this manner, the Respondent intentionally attempted to attract Internet users to online locations for commercial gain by creating a likelihood of confusion with the Trademark as to source, sponsorship, affiliation or endorsement. This amounts to evidence of registration and use in bad faith under paragraph 4(b)(iv) of the Policy.

The Panel therefore concludes that the Complainant has established the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ghirarrdellii.shop**: Transferred

PANELLISTS

Name	**Bart Van Besien**

DATE OF PANEL DECISION 2026-09-27

Publish the Decision