Decision for dispute CAC-UDRP-108980

Case number	CAC-UDRP-108980
Time of filing	2026-09-08 09:20:23
Domain names	ghirardellii.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	Chen Dong er

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 owns numerous trade mark registrations for its GHIRADELLI mark including, in particular, United States trade mark number 205776 registered on November 17, 1925 and European Union trade mark number 003716453 registered on July 27, 2005.

FACTUAL BACKGROUND

Established in 1845, the Complainant is a Swiss producer of chocolate and confectionery products, within the premium chocolate industry. It sells its products through 41 subsidiaries and branch offices, has around 650 of its own stores and a global network of approximately 100 distributors.

In 1998, the Complainant acquired the Ghirardelli Chocolate Company ("Ghirardelli"). Ghirardelli, founded in 1852 and based in San Francisco, California, ranks among the oldest chocolate manufacturers in the United States. Its products are distributed through a combination of company-operated stores, third-party retailers, and wholesale distribution channels. For the fiscal year 2024 Ghirardelli generated sales of USD 888 million. The Complainant owns the domain name <ghirardelli.com>, which was registered on 24 June 1998 and resolves to a website containing comprehensive information about the Complainant and its GHIRARDELLI products.

The disputed domain name was registered on May 15, 2026. At the date of filing, it resolved to a commercial website purporting to

be an on-line store for See's Candies, one of the Complainant's competitors in the premium chocolate market in the United States. The website displayed the See's Candies name and logo, purported to offer discounted prices for See's Candies products, and included a copyright notice reading in the name of See's Candies LLC. Users were encouraged to add products to their cart and proceed through a checkout process requiring them to provide personal and financial information, including their full name, postal address, e-mail address, and payment-card details. The disputed domain name subsequently became inactive.

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

The Complainant has demonstrated that it owns registered trade mark rights for its GHIRADELLI trade mark as set out above. As submitted by the Complainant, this mark is wholly incorporated into the disputed domain name and constitutes a misspelling of it, in that it has an additional "i" at the end of it. The Panel finds that the disputed domain name is confusingly similar to the Complainant’s trade mark. The Complaint therefore succeeds under the first element of the Policy.

The Complainant has submitted that the Respondent does not appear to have trade mark rights for, nor is it commonly known by the disputed domain name. It says further that the Respondent is neither connected to, nor affiliated with, the Complainant, who has not permitted or licensed the Respondent’s use of the GHIRARDELLI mark in any way. Further, says the Complainant, the use of the disputed domain name, including the Complainant's trade mark, to resolve to a commercial website promoting a competitor's products, does not amount to use in connection with a bona fide offering of goods or services, or to a legitimate non-commercial or fair use of the disputed domain name.

The Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie case and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name, whether as set out in the Policy or otherwise. Accordingly, the Panel finds that the second element of the Policy has been established.

The disputed domain name was registered by the Respondent on May 15, 2026. The Panel notes that the GHIRARDELLI chocolate

business has a long history and is very well established and that the Complainant's trade mark has been found in numerous past UDRP proceedings to enjoy a strong international reputation (see for example CAC - UDRP 107226 (2025) (<ghiraradelli.com>. In particular, the Complainant distributes its products through 600 outlets in the United States and has had a substantial Internet presence at the domain name <ghirardelli.com> since 1998. It also has a very substantial social media presence, in particular, having more than one million followers on Facebook. This evidence, together with the fact that the Complainant's mark has a high level of distinctiveness for chocolate, that the disputed domain name amounts to a typosquatting of the Complainant's very well reputed trade mark and that the disputed domain name formerly resolved to a website that sells the products of a direct competitor of the Complainant's in the United States, supports very strongly an inference that the Respondent, although based in China, was well aware of the Complainant's mark and business when it registered the disputed domain name.

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation or endorsement of the website.

In this case the Respondent has, prior to the date of filing, used the disputed domain name to divert Internet users to a commercial website which purported to be an on-line store for See's Candies, one of the Complainant's competitors in the premium chocolate market. The website displayed the See's Candies name and logo and, according to the Complainant, purported to offer discounted prices for See's Candies products and also included a copyright notice in the name of See's Candies LLC. Internet users visiting the website may very well have been confused into thinking that it was genuine and to add products to their cart and proceed through a checkout process requiring them to provide personal and financial information, including their full name, postal address, e-mail address, and payment-card details. It appears very unlikely that this site operated by the Respondent, who is apparently based in China, was genuine, but Internet users could easily have been confused into thinking that this was so and to have attempted to order products and to enter their personal and financial information as a result. Although there is no evidence of actual fraudulent sales on the record, the use of the disputed domain name in this manner to confuse and divert Internet users to a commercial website fulfills the requirements of paragraph 4(b)(iv) of the Policy and amounts to evidence of registration and use in bad faith.

The Panel notes that the obvious targeting of a complainant's well-reputed mark by the addition of a letter (here the letter "i") amounts to an example of typosquatting which has been found by previous panels in and of itself to be evidence of bad faith (see, for example, WIPO Case number D2002-1011 (< minorleaguebaseball.com >).

As a result, the Panel finds that the disputed domain name was both registered and used in bad faith and that the Complaint succeeds under 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. **ghirardellii.com**: Transferred

PANELLISTS

Name	**Mr Alistair Payne**

DATE OF PANEL DECISION 2026-10-08

Publish the Decision