

Decision for dispute CAC-UDRP-109015

Case number	CAC-UDRP-109015
Time of filing	2026-09-21 10:42:42
Domain names	ghirardelliisell.com

Case administrator

Name	Olga Slanařová (Case admin)
------	-----------------------------

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG
--------------	---------------------------------------

Complainant representative

Organization	SILKA AB
--------------	----------

Respondent

Name	Wesley Neal
------	-------------

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 numerous trademark registrations for the word mark GHIRARDELLI including the following:

- United States trademark registration number 205776 for GHIRARDELLI in Class 30, registered on November 17, 1925;
- United States trademark registration number 1645206 for GHIRARDELLI in Classes 16, 18, 21, 25, 30 and 42, registered on May 21, 1991; and
- European Union trademark registration number 003716453 for GHIRARDELLI in Classes 30, 35, 42 and 43, registered on July 27, 2005.

FACTUAL BACKGROUND

Founded in 1845, the Complainant is a well known Swiss chocolate manufacturer and the holding company of the Lindt & Sprüngli Group, which produces premium chocolates at 12 production sites in Europe and the United States and sells them through 41 subsidiaries and branch offices, around 650 of its own stores, and a global network of approximately 100 distributors. The Group

reported sales of CHF 5.92 billion in 2025. In 1998, the Complainant acquired the Ghirardelli Chocolate Company (“Ghirardelli”), one of the oldest chocolate companies in the United States, which was founded in 1852, is headquartered in California, and generated sales of approximately USD 888 million in FY 2024. The Complainant promotes and sells its GHIRARDELLI branded products online through its official website at <ghirardelli.com>, which domain name was registered in 1998, and it maintains a substantial social media presence for the GHIRARDELLI brand, including approximately 1.3 million followers on Facebook.

The disputed domain name <ghirardelliisell.com> was registered on August 29, 2026. As of September 16, 2026, it resolved to a website that presented itself as an official GHIRARDELLI online store, displaying the Complainant’s GHIRARDELLI logo and images of GHIRARDELLI branded products offered at significantly discounted prices, and leading internet users through a shopping cart to a checkout page that requested their name, postal address, telephone number, email address and payment card details. Later that same day, and following a takedown attempt by the Complainant, the disputed domain name resolved to an error page and it does not currently resolve to an active website.

PARTIES CONTENTIONS

COMPLAINANT

The disputed domain name is confusingly similar to the Complainant’s GHIRARDELLI trademark as it is a misspelling thereof, adding an extra letter “i”, followed by the descriptive term “sell” and the “.com” TLD.

The Respondent has no rights or legitimate interests in the disputed domain name as it is not commonly known thereby, it is not affiliated with or authorized by the Complainant, and it has used the disputed domain name for a website that impersonates the Complainant and solicits the personal and payment card information of internet users. The Respondent cannot qualify as a legitimate reseller under the Oki Data criteria and the present inactivity of the disputed domain name does not cure its prior abusive use.

The disputed domain name was registered and is being used in bad faith based on the reputation of the GHIRARDELLI trademark, the typosquatting nature of the disputed domain name, and the Respondent’s use thereof to attract internet users, for commercial gain, to a website that impersonates the Complainant under paragraph 4(b)(iv) of the Policy. The current inactivity of the disputed domain name does not prevent a finding of bad faith under the doctrine of passive holding.

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

1. Confusing Similarity

The Complainant has established its rights to the GHIRARDELLI trademark through its submission into evidence of screenshots from the websites of the United States Patent and Trademark Office (USPTO), the European Union Intellectual Property Office (EUIPO), and the World Intellectual Property Organization (WIPO) displaying the details of its asserted trademark registrations, the earliest of which dates from November 17, 1925. As such, the Panel finds that the Complainant possesses rights in its asserted trademark.

The disputed domain name, registered on August 29, 2026, reproduces the Complainant's GHIRARDELLI trademark with the addition of the letter "i" followed by the descriptive term "sell" and the ".com" TLD. UDRP panels have consistently held that where the asserted trademark is recognizable within a disputed domain name, a minor misspelling does not prevent a finding of confusing similarity. *Chocoladefabriken Lindt & Sprüngli AG v. Chen Dong er*, UDRP-108980 (CAC October 8, 2026) (finding <ghirardellii.com> confusingly similar where the GHIRARDELLI 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."). See also *ArcelorMittal v. Derreck Benoit*, UDRP-105722 (CAC September 18, 2023) ("the mere addition of the letter "Z" does not eliminate any confusing similarity."). Nor does the addition of the descriptive term "sell" dispel the confusing similarity between the disputed domain name and the Complainant's trademark. *Chocoladefabriken Lindt & Sprüngli AG v.* , UDRP-108943 (CAC September 22, 2026) (finding <ghirardellisell.com> confusingly similar to the GHIRARDELLI mark and holding that "[w]here 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"). Here, the GHIRARDELLI trademark is placed at the beginning of the disputed domain name and remains clearly recognizable therein, and the extra letter "i" is a visually unobtrusive change that is easily overlooked by internet users.

Also, the extension ".com" typically adds no meaning or distinctiveness to a disputed domain name and may most often be disregarded in the Paragraph 4(a)(i) analysis. *Novartis AG v. Wei Zhang*, 103365 (CAC December 9, 2020) ("it is generally accepted that the addition of the top-level suffix in the domain name (e.g., '.com') is to be disregarded under the confusing similarity test").

Accordingly, the Panel finds that the Complainant has rights to its claimed trademark and that the misspelling thereof and the addition of a descriptive word in the disputed domain name is insufficient to avoid a finding that it is confusingly similar to the Complainant's trademark. Thus, the Complainant has satisfied Paragraph 4(a)(i) of the Policy.

2. Rights Or Legitimate Interests

Pursuant to Paragraph 4(a)(ii) of the Policy, the complainant has the burden of making a prima facie showing that the respondent has no rights or legitimate interests in the disputed domain name. *Cephalon, Inc. v. RiskIQ, Inc.*, 100834 (CAC September 12, 2014). Once this burden is met, it then shifts to the respondent to demonstrate that it does have rights or legitimate interests in the domain name. Paragraph 4(c) of the Policy offers the respondent several examples of how to demonstrate its rights or legitimate interests in the disputed domain name.

With reference to Paragraph 4(c)(ii) of the Policy, the Complainant states that "[t]he Respondent is not connected to nor affiliated with the Complainant and has not received license or consent to use the GHIRARDELLI mark in any way." The Respondent has not participated in this case and so it does not contest this. As such, the Panel concludes that the Respondent is not affiliated with the Complainant, nor is it authorized or licensed to use the Complainant's trademark or to seek registration of any domain name incorporating the asserted trademark. Furthermore, the Registrar for the disputed domain name identifies the Registrant as "Wesley Neal", a name that bears no resemblance to the disputed domain name. *Laboratoire Nuxe v. Domains For Sale*, UDRP-106079 (CAC January 25, 2024) ("Past panels have held that a respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name."). There is no evidence that the Respondent is known otherwise and its use of the Complainant's trademark on its website does not, alone, support a different conclusion. *Madonna Ciccone, p/k/a Madonna v. Dan Parisi and "Madonna.com"*, D2000-0847 (WIPO October 16, 2000) ("use which intentionally trades on the fame of

another” should not be considered. “To conclude otherwise would mean that a Respondent could rely on intentional infringement to demonstrate a legitimate interest, an interpretation that is obviously contrary to the intent of the Policy.”). Based upon the available evidence in this case, the Panel cannot conclude that the Respondent is commonly known by the disputed domain name.

Next, under Paragraphs 4(c)(i) and 4(c)(iii) of the Policy the Panel considers whether the Respondent is using the disputed domain name to make a bona fide offering of goods or services or whether it is making a legitimate noncommercial or fair use of the disputed domain name. Using a confusingly similar domain name to impersonate and pass oneself off as a complainant is not a bona fide offering of goods or services or a legitimate noncommercial or fair use per Paragraphs 4(c)(i) or (iii) of the Policy. See *Ripple Labs Inc. v. Jessie McKoy / Ripple Reserve Fund*, FA 1790949 (FORUM July 9, 2018) (no right or legitimate interest found where “the Domain Name, deliberately and inherently impersonates the Complainant and its trade marks.”). Here, the Complainant submits screenshots of the Respondent’s website as it appeared on September 16, 2026, and asserts that it “impersonated the Complainant by presenting itself as an official GHIRARDELLI online store.” Upon a review of this evidence, the Panel notes that the website displays the Complainant’s GHIRARDELLI graphic logo at the top of each page, followed by images of GHIRARDELLI branded products, such as its well known chocolate squares and seasonal items, shown with one price in a strikethrough font next to a significantly lower price. The footer of the homepage closely mirrors that of the Complainant’s official website, including its section headings, links to the Complainant’s social media accounts, the Complainant’s own customer service email address and telephone number, and a “Copyright © 2026” notice. Internet users who select a product are led to a shopping cart and then to a checkout page that requests their name, postal address, telephone number, email address and payment card details. Nothing on the website discloses that it is not operated by the Complainant. The Complainant’s assertion that this use of its trademark is for the purpose of impersonation appears well founded and the Respondent has not filed a Response or made any other submission in this case to offer an alternative explanation for its actions.

Nor can the Respondent’s website be considered that of a legitimate reseller of the Complainant’s products as it makes no disclosure of its lack of relationship with the Complainant and, instead, presents itself as the Complainant. *Chocoladefabriken Lindt & Sprüngli AG v.* , supra (“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.”). Further, the fact that the disputed domain name currently resolves to an error page, following the Complainant’s takedown attempt, does not create any rights or legitimate interests where none existed before. As the Complainant has made out a prima facie case that has not been rebutted by the Respondent, upon a preponderance of the evidence before it the Panel finds that the Respondent fails to make a bona fide offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name under Paragraphs 4(c)(i) or (iii) of the Policy.

3. The disputed domain name was registered and is being used in bad faith

The Complainant must prove, by a preponderance of the evidence, that the disputed domain name has been registered and used in bad faith under paragraph 4(a)(iii) of the Policy. *Hallmark Licensing, LLC v. EWebMall, Inc.*, D2015-2202 (WIPO February 12, 2016) (“The standard of proof under the Policy is often expressed as the ‘balance of the probabilities’ or ‘preponderance of the evidence’ standard. Under this standard, an asserting party needs to establish that it is more likely than not that the claimed fact is true.”).

The Complainant first asserts that the Respondent was aware of and targeted the GHIRARDELLI trademark at the time it registered the disputed domain name. Actual knowledge of a complainant’s trademark may form the foundation upon which to build a case for bad faith under Policy paragraph 4(a)(iii). See *Intesa Sanpaolo S.p.A. v. Ciro Lota*, UDRP-106302 (CAC April 4, 2024) (“Given the distinctiveness and reputation of the Complainant’s prior marks, it is inconceivable that the Respondent could have registered the disputed domain name for a mere chance without actual knowledge of the Complainant’s rights in such well-known marks and the intention to exploit such reputation by diverting traffic away from the Complainant’s website.”). The Complainant has submitted evidence of the long history of the GHIRARDELLI brand, its substantial sales in the United States, its significant internet and social media presence, and its frequent inclusion in published lists of the world’s most popular chocolate brands. Further, the disputed domain name is an obvious misspelling of the Complainant’s distinctive trademark, and such typosquatting is itself evidence of targeting. *Id.* (“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”). Finally, the Respondent’s use of the Complainant’s graphic logo and its product images on the resolving website leaves little doubt that the Respondent had the Complainant in mind. Based on the reputation of the Complainant’s trademark, the Respondent’s typosquatting action, and the content of its website, the Panel concludes that it is more likely than not that the disputed domain name was registered with actual knowledge of the Complainant’s trademark rights.

Next, the Complainant argues that the Respondent used the disputed domain name in bad faith by seeking to pass itself off as the Complainant for commercial gain. Using a confusingly similar disputed domain name to pass oneself off as a complainant can demonstrate bad faith under Paragraph 4(b)(iv) of the Policy. See *Harley-Davidson Motor Company Inc. v. Liu Peng et al.*, UDRP-106275 (CAC March 27, 2024) (“use of a disputed domain name to pass off as a complainant and offer competing or counterfeited

goods may be evidence of bad faith per Policy paragraph 4(b)(iii) and (iv).”). Prior panels have reached this conclusion on facts nearly identical to those presented here. Chocoladefabriken Lindt & Spruengli AG v. lar frank, UDRP-108648 (CAC June 16, 2026) (bad faith found where the website “featured the Complainant’s trade mark and logo and was confusingly similar in look and feel to the Complainant’s website and offered the Complainant’s products for sale at discounted prices. Internet users could easily have been confused into thinking that this was the Complainant’s United States website, or was authorised by the Complainant.”). As noted above, the Respondent’s website makes prominent use of the GHIRARDELLI trademark and graphic logo, mimics the footer of the Complainant’s official website, offers GHIRARDELLI branded products at steeply discounted prices, and solicits the personal and payment card information of internet users who are led to believe that they are dealing with the Complainant. Whether or not any products were ever actually delivered, this conduct exposes internet users to a clear risk of fraud and is a paradigm of the bad faith described in paragraph 4(b)(iv) of the Policy.

The fact that the disputed domain name no longer resolves to an active website does not alter this conclusion. Chocoladefabriken Lindt & Spruengli AG v. lar frank, UDRP-108417 (CAC March 18, 2026) (“the current use of the disputed domain name by the Respondent amounts to bad faith, given the past use of the domain name in connection with a website impersonating the Complainant.”). The Respondent has not participated in this case to explain its actions and so, based upon a preponderance of the available evidence, the Panel finds it highly likely that the Respondent registered and uses the disputed domain name in bad faith by seeking commercial gain through impersonation of the Complainant and confusion with its trademark under Paragraph 4(b)(iv) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. ghirardelliisell.com: Transferred

PANELLISTS

Name	Steven Levy
------	-------------

DATE OF PANEL DECISION 2026-10-15

Publish the Decision