

Decision for dispute CAC-UDRP-109013

Case number	CAC-UDRP-109013
Time of filing	2026-09-21 11:48:52
Domain names	ghirardelliiofficial.com

Case administrator

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

Organization	Chocoladefabriken Lindt & Sprüngli AG
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Complainant representative

Organization	SILKA AB
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Respondent

Name	Wesley Neal
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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

Complainant is the owner, among others, of the following registrations for the trademark GHIRARDELLI:

Trademark	Jurisdiction	Registration Number	Registration Date	Class(es) Covered
GHIRARDELLI	United States	205776	17 Nov 1925	30
GHIRARDELLI	United States	1645206	21 May 1991	16, 18, 21, 25, 30, 42
GHIRARDELLI	United States	3508893	30 Sep 2008	6, 16, 18, 21, 25, 28
GHIRARDELLI	European Union	003716453	27 Jul 2005	30, 35, 42, 43

GHIRARDELLI	International	826074	30 Mar 2004	30, 35, 43
GHIRARDELLI	International	936941	27 Jul 2007	6, 14, 16, 18, 21, 25, 28, 41
GHIRARDELLI	Canada	TMA378615	18 Jan 1991	30
GHIRARDELLI	Canada	TMA763505	8 Apr 2010	16, 18, 21, 25, 30, 35, 43

Complainant has submitted evidence of the above mentioned registrations by means of prints of the online databases of the US Patent and Trademark Office, EUIPO, WIPO and Canadian Trademark Register.

FACTUAL BACKGROUND

Complainant, Chocoladefabriken Lindt & Sprüngli AG, with domicile Kilchberg in Switzerland, founded in 1845, is a well-known Swiss chocolate manufacturer and the holding company of the Lindt & Sprüngli Group, a global leader in the premium chocolate category. The Group produces high-quality chocolates at 12 production sites in Europe and the United States, with products sold through 41 subsidiaries and branch offices, around 650 of its own stores, and a global network of approximately 100 distributors. With around 15,500 employees, the Group reported sales of CHF 5.92 billion in 2025. Over the years, Complainant has expanded its brand portfolio abroad and acquired chocolate businesses including Hofbauer and Küfferle (1994), Caffarel (1997), Ghirardelli (1998), and Russell Stover (2014). Further details regarding Complainant's brands, history and locations are enclosed to the Complaint by means of a printout of the website's company information page.

The Ghirardelli Chocolate Company ('Ghirardelli') became part of the Lindt & Sprüngli Group in 1998. Founded in 1852, Ghirardelli is one of the oldest chocolate companies in the United States and is headquartered in California. In FY 2024, Ghirardelli generated sales of approximately USD 888 million. Its products are sold through its own stores, retail partners and wholesale distributors. Further details regarding Ghirardelli's history and the channels through which its confectionery products are sold are provided in the Complaint by means of a website's company information page as well.

Complainant advertises and sells its confectionery products to consumers online through its official website at www.ghirardelli.com, which domain name was registered in 1998 as can be concluded by the enclosure to the Complaint. In addition to <ghirardelli.com>, Complainant maintains a portfolio of domain names incorporating the GHIRARDELLI mark across various generic and country-code Top-Level Domains, including <ghirardelli.online>, <ghirardelli.us>, <ghirardelli.com.mx> and <ghirardelli.ca>. Further, Complainant's GHIRARDELLI brand enjoys a substantial social media presence, including approximately 1.3 million followers on Facebook (<https://www.facebook.com/Ghirardelli/>) and over 44 thousand followers on LinkedIn (<https://www.linkedin.com/company/ghirardelli-chocolate-company>).

Moreover, Complainant's GHIRARDELLI offerings are frequently featured in lists collating the most popular chocolate brands in the world. Print outs of listings are enclosed to the Complaint.

Lastly, Complainant mentions that it has successfully enforced its rights in the GHIRARDELLI trademark in multiple previous domain name dispute proceedings and mentions 5 example decisions.

Respondent, Wesley Neal with domicile Oak Hill, United States, registered the disputed domain name <ghirardelliofficial.com> on 28 August 2026. The disputed domain name currently resolves to a 'SSL Handshake failed' error page. However, before the current takedown page it resolved to a webpage offering GHIRARDELLI chocolates. The website, according to Complainant, was clearly impersonating Complainant by presenting itself as an official GHIRARDELLI online store. The disputed website showed Complainant's GHIRARDELLI logo and images of GHIRARDELLI-branded products, which were offered at discounted prices. Further, Internet users were encouraged to select products, add them to a shopping cart, and proceed to a checkout page that requested personal and financial information, including their full name, postal address, telephone number, e-mail address and payment card details.

PARTIES CONTENTIONS

Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.
No administratively compliant Response has been filed.

RIGHTS

According to the Policy paragraph 4(a)(i) it needs first to be established that:

(i) The domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;

According to Complainant the disputed domain name <ghirardelliofficial.com> is confusingly similar to Complainant's GHIRARDELLI mark. It comprises a misspelling of the mark, formed by the addition of an extra 'i', followed by the descriptive term 'official', while leaving the GHIRARDELLI mark readily recognizable within the domain name.

The generic Top-Level Domain '.com' is a standard registration requirement and is disregarded for purposes of the first-element comparison.

In this respect Complainant also refers to [CAC-UDRP-108917 \(2026\)](#) (<ghirardellii.shop>):

As a matter of fact, <ghirardellii.shop> is a misspelling of the GHIRARDELLI trademarks which are clearly recognizable in the disputed domain name. According to a consolidated case law if the trademark is entirely comprised in the disputed domain name or if it is recognizable within the domain name, the threshold requested by the First element of the Policy is met.

And

[CAC-UDRP-108648 \(2026\)](#) <ghirardelliusmall.com> et al. 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.

Accordingly, Complainant requests that the Panel finds the disputed domain name confusingly similar to the GHIRARDELLI mark, in which Complainant has rights, for the purposes of paragraph 4(a)(i) of the Policy.

The Panel agrees with this assertion of Complainant, which is sufficiently explained and according to current case law.

Further, the trademark registrations predate the registration of the disputed domain name and thus the trademark rights prevail.

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 Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

According to the Policy paragraph 4(a)(ii) it needs further to be established that:

(ii) Respondent has no rights or legitimate interests in respect of the domain name.

Paragraph 4 (c) of the Policy provides circumstances that could demonstrate that Respondent has no rights to and legitimate interests in the Domain Name. These circumstances are not exclusive. Circumstances that are providing rights or legitimate interests to the domain name are:

(i) before any notice to the Respondent of the dispute, the use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) Respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if though it has acquired no trademark or service mark rights; or

(iii) Respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Further, according to the WIPO Case No. D2003-0455, Croatia Airlines d. d. v. Modern Empire Internet Ltd., Complainant is required to make out a prima facie case that Respondent lacks rights or legitimate interests. Once such prima facie case is made, Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If Respondent fails to do so, Complainant is deemed to have satisfied paragraph 4(a) (ii) of the Policy.

Complainant submits that Respondent lacks rights or legitimate interests in the disputed domain name. Complainant explains it as follows:

- To the best of Complainant's knowledge, Respondent does not have any trademark rights in, nor is it commonly known by, 'ghirardelliofficial', 'ghirardelliofficial.com', or any similar term. A Google and WIPO search are enclosed to substantiate this assertion.

- These terms have no apparent dictionary meaning and do not correspond to any commonly recognized word or phrase. A dictionary.com search is enclosed to substantiate this.
- Respondent is not connected to nor affiliated with Complainant and has not received license or consent to use the GHIRARDELLI mark in any way. Past UDRP decisions have also established that the mere ownership of a domain name does not confer rights or legitimate interests on a respondent (see, for example, [Forum Case No. 2009654 \(2022\)](#) (<parchment-verification.com>)).
- Complainant submits that Respondent has neither used, nor made demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, and has not made any legitimate non-commercial or fair use of it.
- The website's branding, content, and functionality of the disputed domain name are plainly calculated to mislead internet users into believing that it was operated by, or affiliated with, Complainant, while exposing them to a clear risk of phishing or fraud. Such impersonation and passing-off conduct can never confer rights or legitimate interests under the Policy (WIPO Overview 3.1, section 2.13.1).
- Nor can Respondent qualify as a legitimate reseller under the cumulative Oki Data criteria (WIPO Overview 3.1, section 2.8.1). In particular, Respondent failed to accurately and prominently disclose the absence of any relationship with Complainant, as required by the third criterion. To the contrary, the website adopted Complainant's GHIRARDELLI mark and logo and reproduced images and other visual material associated with Complainant. Far from dispelling any suggestion of affiliation, the website's footer displayed the purported copyright notice 'Copyright © 2026' and closely replicated the presentation of Complainant's official website footer, including its headings, text, social-media icons and accepted-payment information. A comparison can be made by checking the enclosures to the Complaint. These features further reinforced the false impression that the website was an official GHIRARDELLI site operated or authorized by Complainant and were plainly incompatible with any claim to legitimate reseller activity under the Oki Data principles.
- Following a takedown attempt, the disputed domain name no longer resolves to an active website and instead displays an 'SSL handshake failed' error page. The disputed domain name's present inactivity does not cure Respondent's prior abusive use and similarly does not constitute a bona fide offering of goods or services, nor a legitimate non-commercial or fair use.

Also see, for example:

- [WIPO Case No. D2023-4732](#) (<usclarks.shop>): 'The current non-use of the Domain Name cannot be considered a bona fide offering of goods and services.'; and
- [WIPO Case No. D2023-0040](#) (<belfiusinfo.online>): 'It is commonly held that inactive use is not a bona fide offering of goods or services pursuant to Policy 4(c)(i) and by itself does not demonstrate a legitimate noncommercial or fair use.'
- Lastly, the nature and composition of the disputed domain name create a high risk of implied affiliation and do not constitute fair use (see the WIPO Overview 3.1, section 2.5.1: 'Even where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner.'). The disputed domain name combines a visually unobtrusive misspelling of Complainant's GHIRARDELLI trademark – adding only an additional 'i' – with the term 'official', which expressly conveys authenticity. Internet users are liable to overlook the additional letter and perceive the disputed domain name as referring to 'Ghirardelli Official', thereby creating a particularly clear risk that they will believe it belongs to, or is authorized by, Complainant. The disputed domain name's composition therefore further confirms that Respondent lacks rights or legitimate interests in it.

Complainant concludes that it has presented a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name for the purposes of paragraph 4(a)(ii) of the Policy.

The Panel has the following findings.

In case where a website only offers products that are branded with the trademark that is entailed in the domain name, there might be a resellers website at stake, and when so there is a legitimate reason for using Complainant's trademark. However, the reseller must comply with criteria as set down in the OKI Data test, which are further developed in the Lost Mary Direct case CAC-UDRP-107605.

In the current case of the disputed domain name the application of the Lost Mary Direct Criteria needs a pretest caused by the disputed domain name itself containing a misspelling. A misspelling in a domain name is a frequent indication of typo squatting and thus cannot be considered as having a legitimate interest in the domain name but rather should be seen as a domain name that is registered and/or used in bad faith.

Nevertheless, for the sake of being complete, the Panel applies the Revised Oki Data criteria (Lost Mary Direct criteria) being:

1. There is actual offering of goods and services via Respondent's website at issue;
2. The use of the website is to sell only the specific trademarked goods which have been brought into the market by the trademark owner and;
3. The Respondent's website can be easily distinguished from that of the trademark owner. Aspects that can be decisive to distinguish Respondent's website from that of the trademark owner are inter alia (but not limited):
 1. the placing of a disclaimer disclosing Respondent's relationship with the trademark owner on the home page of the website;
 2. the creation of a different look and feel of the website of Respondent as compared to the website of the trademark owner;
 3. the dominant use of resellers' websites specific elements like pricing and depiction of the goods;
 4. the use of a logo on the top of the home page, not including the trademark as mentioned in the disputed domain name, that addresses the entity of Respondent on the website.
4. Respondent must also not try to corner the market in domain names that reflect the trademark.

Like Complainant stated, the Panel concludes the website of the disputed domain name fails in criterium 3 of the test: the website cannot be distinguished from the original one as it uses the trademark of Complainant as a badge of origin, it has copied the copyright notice from Complainant's website and it has the same look and feel of the website of Complainant. Further no indication whatsoever to inform about the reseller's origin is depicted on the website.

Therefore, the Panel concludes that the Oki Data criteria as further developed by the Lost Mary Direct criteria do not qualify Respondent as a legitimate reseller and thus the disputed domain name lacks legitimate interests.

Complainant has further shown that Respondent has no rights in the disputed domain name through enclosing several searches to this Complaint. Therefore, the Panel can conclude.

Complainant has, to the satisfaction of the Panel, shown 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

According to the Policy paragraph 4(a)(iii) it finally needs to be established that:

(iii) the domain name has been registered and is being used in bad faith.

Paragraph 4 (b) of the Policy provides circumstances on that demonstrate that Respondent has registered and used the domain name in bad faith. These circumstances are not exclusive.

Those circumstances are for example:

- (i) circumstances indicating that Respondent has registered or has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or
- (ii) Respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) Respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or
- (iv) by using the domain name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to its web site or other on-line location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.

Complainant has demonstrated that it has accrued substantial goodwill and recognition in the GHIRARDELLI brand, which has been used to distinguish its chocolate offerings for over a century. Ghirardelli became part of the Lindt & Sprüngli Group in 1998 and has since formed part of its global portfolio of premium chocolate brands. In FY 2024, Ghirardelli alone generated sales of approximately USD 888 million, underscoring its position as one of the leading chocolate companies in the United States.

Complainant also holds numerous trademark registrations for the GHIRARDELLI mark across multiple jurisdictions, long predating the disputed domain name's 2026 registration.

Complainant further states that the renown of the GHIRARDELLI mark has been recognized in prior UDRP decisions. See, e.g.,

- WIPO Case No. D2007-0446 <ghirardellichocolates.com>: 'Complainant's trademark has a strong reputation and is widely known, as evidenced by its registration as a trademark and use in many countries';
- CAC-UDRP-107226 (2025) <ghiradelli.com>: deeming the brand 'well known and highly distinctive';
- CAC-UDRP-108014 (2025) <ghirardelli.com>: 'The Panel agrees with Complainant that the disputed domain name <ghirardelli.com> is confusingly similar to the Complainant's trademark GHIRARDELLI. The evidence presented by the Complainant shows the extensive use of its trademark internationally, and it is, therefore, regarded as a well-known trademark.'; and
- CAC-UDRP-108441 (2026) <ghirardellidark.com>: 'The GHIRARDELLI trademark is well-known and highly distinctive'.

Complainant further highlights that its GHIRARDELLI mark is readily identifiable in publicly accessible trademark databases (e.g., TMview). Additionally, a basic Google search for 'ghirardelliiofficial' is interpreted by Google as a search for 'ghirardelli official' and returns top results clearly pertaining to Complainant and its GHIRARDELLI-branded offerings.

Even the most minimal due diligence would therefore have alerted any registrant of the disputed domain name to Complainant's rights in the well-known GHIRARDELLI mark.

The composition of the disputed domain name itself further supports the inference that Respondent deliberately targeted Complainant's GHIRARDELLI trademark at the time of registration. Respondent's registration of <ghirardelliiofficial.com> – combining a misspelling of Complainant's mark, achieved merely by adding an additional 'i', with the term 'official' – constitutes typosquatting, conduct which is according to

WIPO Case No. D2002-1011 (<minorleaugebaseball.com>:

'inherently parasitic and of itself evidence of bad faith'.

Complainant continues by stating that the additional letter is visually unobtrusive and readily liable to be overlooked, while the term 'official' expressly suggests that the disputed domain name belongs to, or is authorized by, Complainant.

Moreover, this deliberate combination cannot credibly be regarded as coincidental or neutral; rather, it evidences Respondent's prior knowledge of Complainant and an intention to exploit the goodwill attaching to its trademark by creating a misleading impression of source, sponsorship, affiliation or endorsement.

Therefore, the disputed domain name has been registered in bad faith according to Complainant.

As for the use of the disputed domain name, according to Complainant, Respondent's conduct falls squarely within paragraph 4(b) (iv) of the Policy:

- by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location.

and thus constitutes bad faith use of the disputed domain name.

Complainant substantiates this assertion through the following:

- the content of the website belonging to the disputed domain name, that clearly impersonates Complainant and exposes users to a clear risk of phishing, fraud and consumer harm;
- the use of a copyright notice that closely replicated the presentation of Complainant's official website footer, including its headings, text, social-media icons and accepted-payment information;
- lack of dispelling any suggestion of affiliation

Complainant here cites two earlier decisions:

1. [CAC-UDRP-106393 \(2024\)](#) (<linditbrasil.com>):

Furthermore, Respondent has used the disputed domain name, which is confusingly similar to Complainant's LINDT mark, to attract users familiar with Complainant to a site which impersonates Complainant. This use reflects Respondent's intention to derive commercial gain from confused internet users who, believing they are interacting with a site controlled/authorised by Complainant, attempt to purchase the site's purported offerings. Panels have consistently held that a respondent's use of a domain name to impersonate a complainant (or pass off as such) is evidence of bad faith registration and use under the Policy.

2. [CAC-UDRP-108648 \(2026\)](#) (<ghirardelliusmall.com> et al.)

In this case Respondent has used the disputed domain name <ghirardelliusshop.com> to divert Internet users to its website at which it masquerades as if it is Complainant, or is affiliated with Complainant, without distinguishing itself properly, or using a disclaimer. The website to which this disputed domain name formerly resolved featured Complainant's trade mark and logo and was confusingly similar in look and feel to Complainant's website and offered Complainant's products for sale at discounted prices. Internet users could easily have been confused into thinking that this was Complainant's United States website, or was authorized by Complainant. This amounts to conduct in terms of paragraph 4(b) (iv) of the Policy and is evidence of registration and use of the disputed domain name in bad faith under the Policy.

Complainant lastly asserts that the fact that the disputed domain name no longer resolves to an active website and instead displays an 'SSL handshake failed' error page, following a takedown attempt, does not prevent a finding of bad faith under the doctrine of passive holding (WIPO Overview 3.1, section 3.3).

The disputed domain name was previously used for an impersonation website that presented itself as an official GHIRARDELLI online store and requested users' personal and payment information. In light of the distinctive and well-known nature of the GHIRARDELLI mark, the inherently misleading composition of the disputed domain name, Respondent's prior abusive use, and the absence of any plausible good-faith use by an unauthorized third party, it is implausible that the disputed domain name could be used in a manner that would not mislead or exploit internet users. These circumstances support a finding of bad faith registration and use notwithstanding the absence of any presently active website.

Complainant submits that the disputed domain name was registered and is being used in bad faith within the meaning of paragraph 4(a)(iii) of the Policy.

The Panel has the following findings.

Complainant has sufficiently demonstrated that its trademark GHIRARDELLI has reputation.

The Panel concludes that it is inconceivable that Respondent being American, was not familiar with the well known American brand GHIRARDELLI. It follows that the registration of the disputed domain name must have been made to mimic Complainant's trademark.

As for the use of the disputed domain name the point of departure is the fact that there is no website and thus a situation of passive holding at the moment of the filing of the Complaint.

In a case of passive holding the Panel has to weigh whether the passive holding of the disputed domain name can be identified as use in bad faith. In previous UDRP decisions circumstances are described that would establish that also the use of the disputed domain name, namely the passive holding of it, is use in bad faith.

Those circumstances are:

- (i) Complainant's trademark has a strong reputation and is widely known;
- (ii) Respondent has provided no evidence whatsoever of any actual or contemplated good faith use by it of the domain name;
- (iii) Respondent has taken active steps to conceal its true identity, by operating under a name that is not a registered business name;
- (iv) Respondent has actively provided, and failed to correct, false contact details, in breach of its registration agreement; and
- (v) taking into account all of the above, it is not possible to conceive of any plausible actual or contemplated active use of the domain name by Respondent that would not be illegitimate, such as by being a passing off, an infringement of consumer protection legislation, or an infringement of the Complainant's rights under trademark law.

The passive holding criteria are at stake in this Complaint, leading to the conclusion that (v) it is inconceivable that Respondent would use the disputed domain name for any legitimate purpose. This conclusion is enhanced by the fact that before the Take Down attempt by Complainant the disputed domain name was used for a website that was mimicking the website of Complainant and through those exposing users to a clear risk of phishing, fraud and consumer harm. Therefore, also the current passive holding of the disputed domain name is use of the disputed domain name in bad faith.

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.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

- 1. ghirardelliiofficial.com: Transferred

PANELLISTS

Name	Marieke Westgeest
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DATE OF PANEL DECISION	2026-10-26
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Publish the Decision