Decision for dispute CAC-UDRP-109034

Case number	CAC-UDRP-109034
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Domain names	ghirardelliistore.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 registrations protecting the GHIRARDELLI mark, either on its own or as an element of broader marks including GHIRARDELLI registered as United States registration no: 205776 since November 17, 1925 in Class 30.

The degree of recognition achieved by the GHIRARDELLI mark has previously been considered in the context of domain name disputes. In a number of UDRP proceedings, panels have expressly taken note of the reputation, distinctiveness and extensive international use associated with the mark.

The Complainant's domain name <ghirardelli.com> was registered on June 24, 1998, and has served as the address of the brand’s official website since at least 2000. The Complainant has complemented this longstanding web presence with substantial activity on social media. Official accounts dedicated to GHIRARDELLI are maintained on major platforms and provide the Complainant with direct access to a significant audience of consumers and followers. By way of illustration, more than 1.3 million users follow the brand’s official Facebook page, and its LinkedIn presence has attracted an audience exceeding 45,000 followers. The size of these online communities provides a further indication of the level of consumer recognition achieved by the GHIRARDELLI mark.

FACTUAL BACKGROUND

With a history dating back to 1845, the Complainant has grown from its Swiss origins into an internationally established business in

the premium chocolate industry. Headquartered in Zurich, its operations currently reach consumers in approximately 120 countries and are supported by subsidiaries, local branches, proprietary retail outlets and authorized distributors. The international scale of the Complainant's activities is further reflected in its workforce of approximately 15,500 employees and in sales of CHF 5.92 billion reported for 2025.

The GHIRARDELLI brand forms an important part of the Complainant's international confectionery business. Ghirardelli Chocolate Company joined the Complainant's group following its acquisition in 1998. The company itself has considerably older origins, having been established in San Francisco, California, in 1852. Since then, GHIRARDELLI has developed a particularly strong presence in the United States, where its products are commercialized through GHIRARDELLI-branded stores as well as through third-party retailers and wholesale channels. The products marketed under the mark include the Ghirardelli Squares range, introduced in 1999, hot fudge sundaes, and a broad variety of chocolate products intended for baking, foodservice and direct consumer use. The economic significance of the brand is evidenced, among other factors, by revenues of USD 888 million in 2024.

The disputed domain name was registered on August 29, 2026 and has been used for a site designed to impersonate the Complainant using the Complainant's mark in its logo as a masthead and material taken from the Complainant's site to mimic the Complainant's web site.

PARTIES CONTENTIONS

The Complainant contends:

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

The Complainant's trademark rights were secured in 1925 well before the disputed domain name was registered on August 29, 2026.

In addition to the GHIRARDELLI mark, the Complainant notes that the disputed domain name contains an additional letter "i", effectively repeating the final vowel of the GHIRARDELLI mark, as well as the term "store". Neither addition prevents GHIRARDELLI from remaining clearly recognizable within the disputed domain name.

The first requirement of the Policy has been fulfilled and respectfully requests the Panel to find the disputed domain name confusingly similar to the GHIRARDELLI mark within the meaning of paragraph 4(a)(i) of the Policy.

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

The circumstances of the present case provide no basis for concluding that the Respondent has any independent rights or legitimate interest in the terms "ghirardelliistore.com" or "ghirardelliistore". Trademark searches reveal no registered trademark rights held by the Respondent corresponding to either designation, nor is there anything in the available record suggesting that the Respondent has ever been commonly known by either of them.

Nothing in the circumstances of this case suggests that the Respondent's use of the disputed domain name could qualify as a legitimate noncommercial or fair use. To the contrary, the Respondent's prior use of the disputed domain name appears calculated to convey the false impression that the website was operated by, affiliated with, or otherwise authorized by the Complainant. Although the disputed domain name no longer resolves to an active website following the Complainant's takedown efforts the Respondent operated what purported to be a GHIRARDELLI online store and, in particular: (i) prominently and repeatedly displayed the GHIRARDELLI trademark, including at the top of the website; (ii) reproduced photographs and product imagery depicting genuine GHIRARDELLI-branded goods and purported to offer such products for sale directly to consumers; and (iii) provided a checkout process through which Internet users were requested to submit personal and financial information, including payment card details and other sensitive data.

Taking the above into consideration, the nature and presentation of that website prevent the Respondent from relying on the principles applicable to bona fide resellers or distributors. In particular, the website contained no clear and prominent disclaimer informing Internet users that the Respondent was independent from, and neither affiliated with nor authorized by, the Complainant. The overall presentation of the Respondent's website closely resembled an official GHIRARDELLI retail website. The Respondent sought to impersonate the Complainant rather than make any genuinely independent or legitimate use of the disputed domain name. The circumstances surrounding the website are rendered still more concerning by its collection of users' personal and financial information. As noted above, visitors proceeding through the purported purchasing process were invited to disclose information including their names, physical addresses, email addresses, telephone numbers and payment card details. Against the background of a website presenting itself as an official or authorized GHIRARDELLI store, such conduct raises serious concerns regarding potential phishing or other fraudulent activity and cannot give rise to rights or legitimate interests in the disputed domain name.

The disputed domain name does not currently resolve to an active website. The Complainant submits that the mere passive holding of a domain name in a case like this - bearing in mind all the questions explained above - cannot establish rights or legitimate interests.

The composition of the disputed domain name itself further reinforces the misleading impression created by the Respondent's conduct. The disputed domain name is built around the well-known GHIRARDELLI mark, with the only typographical alteration being

the duplication of its final letter “i”. This minor variation is particularly liable to escape the attention of Internet users because the additional “i” is immediately followed by the descriptive term “store”. The combination of the GHIRARDELLI mark with the term “store” is therefore liable to be understood by Internet users as referring to an official GHIRARDELLI retail channel or to a store authorized by the Complainant to sell its products. No such affiliation, sponsorship or authorization exists. The composition of a domain name cannot support a claim of fair use where it effectively impersonates, or otherwise conveys an unjustified impression of association with, the trademark owner.

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

Bearing in mind all of the above, the circumstances of this case leave no plausible basis upon which the Respondent could assert rights or legitimate interests in the disputed domain name.

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

The disputed domain name was previously connected to a website presented to Internet users as a GHIRARDELLI online store. Among other features, the website repeatedly displayed the GHIRARDELLI mark and reproduced photographs and imagery of products bearing that mark. Such use is incompatible with any suggestion that the Respondent independently devised the disputed domain name without knowledge of the Complainant. On the contrary, the website provides strong corroborating evidence that the Respondent selected the disputed domain name precisely because of its capacity to evoke the GHIRARDELLI brand and the Complainant’s retail activities. The combination of the disputed domain name’s composition and the content subsequently displayed through it therefore demonstrates deliberate targeting of the Complainant.

Nothing on the website clearly disclosed that it was operated independently from the Complainant or that the Respondent had no authorization, sponsorship or endorsement from the Complainant. Instead, the presentation of the website, including its repeated use of the Complainant’s branding and product imagery, created an overall impression closely associated with the official GHIRARDELLI online presence. In these circumstances, Internet users could readily have understood the website to be an official or authorized GHIRARDELLI online store. The Respondent thus used the disputed domain name in a manner capable of attracting Internet users for commercial gain by creating confusion as to the origin, affiliation, sponsorship or endorsement of the website.

The transaction process offered through the website further strengthens the inference of bad faith. This is so because visitors wishing to purchase the products advertised on the website were prompted to disclose personal and financial information, including names, postal and email addresses, telephone numbers and payment card details, in the context of a website presenting itself in a manner suggestive of an authentic GHIRARDELLI retail channel. Such circumstances raise serious concerns regarding potential phishing or other deceptive activity and are wholly inconsistent with good-faith use of the disputed domain name. The nature of the information requested from consumers, considered together with the impersonating character of the website, therefore provides additional evidence of the Respondent’s attempt to take advantage of the trust attached to the GHIRARDELLI mark.

Although the disputed domain name currently resolves to an inactive website, passive holding does not preclude a finding of bad faith where the surrounding circumstances support such a conclusion. The Respondent's prior conduct materially undermines any conceivable good-faith explanation for the Respondent’s continued holding of the disputed domain name.

In addition to the foregoing, the Complainant notes that the Respondent has registered several domain names following the same pattern, namely misspellings of the GHIRARDELLI mark combined with additional terms. Such conduct evidences a pattern of abusive domain name registrations, further supporting the conclusion that the disputed domain name was registered and is being used in bad faith.

The Complainant therefore respectfully submits that the disputed domain name was registered and has been used in bad faith.

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

Response

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 disputed domain name is confusingly similar to the Complainant's prior mark, containing it in its entirety and only adding the generic word "store" a letter "i" and the gTLD .com none of which prevents said confusing similarity.

The Respondent is not authorised by the Complainant or commonly known by the disputed domain name.

The disputed domain name has been used to impersonate the Complainant mimicking its web site taking material from the Complainant's web site and using the Complainant's mark in its logo form as a masthead which is not a bona fide offering of goods or services.

The use of the disputed domain name by the Respondent was commercial and so was not non commercial legitimate fair use.

The Respondent has not answered the Complaint or rebutted the prima facie case evidenced by the Complainant.

The disputed domain name has been used to confuse Internet users for commercial gain, disrupting the Complainant's business and constituting registration and use in bad faith.

The Respondent has registered several domain names containing the Complainant's mark, showing a pattern of bad faith activity.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ghirardelliistore.com**: Transferred

PANELLISTS

Name	**Dawn Osborne**

DATE OF PANEL DECISION 2026-10-29

Publish the Decision