Decision for dispute CAC-UDRP-109077

Case number	CAC-UDRP-109077
Time of filing	2026-10-12 14:16:12
Domain names	ghirardelliicompany.com

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	William Barnett

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

Chocoladefabriken Lindt & Sprüngli AG (the "Complainant") is the owner of the United States trademark GHIRARDELLI, registered almost 100 years ago, on November 17, 1925 (Reg. No. 205776), in class 30, and the European Union trademark GHIRARDELLI, registered on July 27, 2005 (Reg. No. 003716453), in classes 30, 35, 42, 43. There are many other national and international registrations of this trademark, owned by the Complainant.

FACTUAL BACKGROUND

The Complainant, founded in 1845, is a globally well-known premium chocolate maker based in Switzerland. The Complainant acquired the Ghirardelli Chocolate Company ("Ghirardelli") in 1998. Ghirardelli, one of the oldest US-based chocolate companies, was founded in 1852 and is headquartered in San Francisco, California. The Complainant also owns the domain name <ghirardelli.com>, used for the official GHIRARDELLI website.

The disputed domain name <ghirardelliicompany.com> was registered on September 9, 2026. According to the Complainant's evidence, it was used for a website that displayed the GHIRARDELLI logo and GHIRARDELLI-branded products at discounted prices and requested payment card details and other personal data at checkout. The website is currently inactive.

PARTIES CONTENTIONS

The 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

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 Panel agrees with the Complainant that the disputed domain name <ghirardelliicompany.com> is confusingly similar to the Complainant's trademark GHIRARDELLI. The disputed domain name incorporates the trademark in its entirety, followed by an additional letter "i" and the term "company". Domain names that incorporate common or intentional misspellings of a mark are considered confusingly similar (see section 1.9 of WIPO Overview 3.0), and the addition of a term such as "company" does not prevent a finding of confusing similarity, but rather suggests a connection with the Complainant (see section 1.8 of WIPO Overview 3.0).

The Panel acknowledges that the Complainant presented prima facie evidence that the Respondent is not sponsored by or affiliated with the Complainant in any way. Furthermore, the Complainant has not licensed, authorized, or permitted the Respondent to use the Complainant's trademark in any manner, including in domain names. The Respondent's name does not resemble the disputed domain name in any manner, and nothing in the record suggests that the Respondent is commonly known by it. The Complainant showed that the disputed domain name was used for a website imitating the Complainant's official online store, with the GHIRARDELLI logo, GHIRARDELLI-branded products and a checkout page requesting payment card details. Such use does not constitute a bona fide offering of goods or services or a legitimate non-commercial or fair use, and the use of a domain name for illegal activity such as impersonation can never confer rights or legitimate interests (see section 2.13.1 of WIPO Overview 3.0). The fact that the website is currently inactive does not change this conclusion.

On these bases, the Panel concludes that the Respondent does not have any rights or legitimate interests in regard to the disputed domain name.

As no administratively compliant response has been provided to the Panel and the prima facie evidence was not challenged by the Respondent, the Panel concludes that the Respondent meant the Complainant's trademark GHIRARDELLI when he/she registered the disputed domain name. The GHIRARDELLI trademark has been registered for about a century and has been recognised as well known in previous CAC decisions (see, for example, CAC Case No. 108014, <ghirardelll.com>, and CAC Case No. 108441). The disputed domain name, registered in 2026, reproduces the trademark with one additional letter and the corporate term "company", and the Respondent in fact used it for a website presenting itself as the Complainant's online store. The Complainant also showed that the Respondent holds other domain names that combine third-party brand names with terms such as "company" and "sale", which supports the conclusion that the choice of the disputed domain name was not coincidental. Previous UDRP panels have

consistently found that the mere registration of a domain name that is confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith (see section 3.1.4 of WIPO Overview 3.0). Accordingly, the Panel finds that the disputed domain name was registered in bad faith.

The disputed domain name was used for a website that displayed the Complainant's logo and branded products at discounted prices and requested payment card details and other personal data. By this use, the Respondent intentionally attempted to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation or endorsement of the website (paragraph 4(b)(iv) of the Policy), and the use of a domain name for impersonation and possible fraud is evidence of bad faith (see sections 3.1.4 and 3.4 of WIPO Overview 3.0). The fact that the website is currently inactive does not alter this finding, as passive holding does not prevent a finding of bad faith where, as here, the domain name was previously used for impersonation and no plausible good faith use can be envisaged (see section 3.3 of WIPO Overview 3.0). In conclusion, the Panel finds that the disputed domain name was used in bad faith under paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ghirardelliicompany.com**: Transferred

PANELLISTS

Name	**Darius Sauliūnas**

DATE OF PANEL DECISION 2026-11-10

Publish the Decision