Decision for dispute CAC-UDRP-109051

Case number	**CAC-UDRP-109051**
Time of filing	**2026-10-05 16:41:28**
Domain names	**ghirardellis.shop**

Case administrator

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

Complainant

Organization	**Chocoladefabriken Lindt & Sprüngli AG**

Complainant representative

Organization	**SILKA AB**

Respondent

Name	**Bathrick Tracy**

OTHER LEGAL PROCEEDINGS

The Panel is aware of one prior proceeding involving the same parties, being *Chocoladefabriken Lindt & Sprüngli AG v Bathrick Tracy* (2026) CAC-UDRP-108954, concerning the domain name <ghirarrdellii.shop>, in which the panel ordered transfer of that domain name to the Complainant on September 27, 2026. That proceeding did not relate to the disputed domain name. The Panel is not otherwise aware of any other proceedings, pending or decided, which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of numerous trademark registrations for the word mark “GHIRARDELLI” in jurisdictions around the world, all of which were registered well before the creation of the disputed domain name, including the following:

Mark	Jurisdiction	Registration No.	Status	Classes	Registration date
GHIRARDELLI	United States (USPTO)	205776	Registered and renewed	30	November 17, 1925
GHIRARDELLI	United States (USPTO)	1376695	Registered	42 (restaurant services)	December 31, 1985

GHIRARDELLI	United States (USPTO)	1645206	Registered	16, 18, 21, 25, 30	May 21, 1991
GHIRARDELLI	Canada (CIPO)	TMA378615	Registered	30	January 18, 1991
GHIRARDELLI	Mexico (IMPI)	409625	Registered	30	March 30, 1992
GHIRARDELLI	Australia (IP Australia)	583601	Registered	30	January 5, 1994
GHIRARDELLI	International (WIPO)	826074	Registered	30, 35, 43	March 30, 2004
GHIRARDELLI	European Union (EUIPO)	003716453	Registered	30, 35, 42, 43	July 27, 2005
GHIRARDELLI	International (WIPO)	936941	Registered	6, 14, 16, 18, 21, 25, 28, 41	July 27, 2007
GHIRARDELLI	Canada (CIPO)	TMA763505	Registered	16, 18, 21, 25, 30, 35, 43	April 8, 2010

The Complainant is also the registrant of the domain name <ghirardelli.com>, registered on June 24, 1998, which has resolved to the official GHIRARDELLI website since at least 2000.

The GHIRARDELLI brand is also promoted through official social media accounts, including a Facebook page with more than 1.3 million followers and a LinkedIn profile followed by over 45,000 users.

FACTUAL BACKGROUND

The Complainant is a Swiss company with a history dating back to 1845. It is one of the world's leading manufacturers of premium chocolate products. It conducts business in approximately 120 countries, employs approximately 15,500 people and reported sales exceeding CHF 5.92 billion in 2025. Its portfolio includes the LINDT and GHIRARDELLI brands.

The Ghirardelli Chocolate Company was established in San Francisco in 1852 and joined the Complainant's corporate group in 1998. GHIRARDELLI branded products are distributed in the United States through company operated stores, retail partners, wholesale channels, and online through the official website at www.ghirardelli.com. In 2024, the GHIRARDELLI brand generated sales of approximately USD 888 million.

The disputed domain name <ghirardellis.shop> was registered on August 7, 2026 through the Registrar, Spaceship, Inc. The Registrar verification confirms that a privacy protection service was initially enabled and discloses the registrant as "Bathrick Tracy" of Ontario, New York, United States.

The Complainant's evidence, in the form of a screenshot dated August 11, 2026, shows that the disputed domain name formerly resolved to an online store headed with the GHIRARDELLI logo, offering what were presented as GHIRARDELLI branded chocolate products at discounts of "80% Off" with "Free shipping on all items", and displaying a contact email address at a third-party domain, info@ghirardeli.us.

As at October 2, 2026, the disputed domain name resolved to a "404 Not Found" page and did not resolve to any active website.

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 that the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights within the meaning of paragraph 4(a)(i) of the Policy.

The Complainant has established rights in the "GHIRARDELLI" trademark through registrations in multiple jurisdictions as already set out, the earliest of which dates from 1925 in the United States, the country in which the Respondent is said to be located. Where a complainant holds a nationally or regionally registered trademark, this prima facie satisfies the threshold requirement of having trademark rights for the purposes of standing to file a UDRP case. See WIPO Overview 3.1, section 1.2.1.

The disputed domain name incorporates the Complainant's trademark in its entirety, with the single letter "s" appended to the end of the mark.

Where the relevant trademark is recognisable in the disputed domain name, the addition of other terms, whether descriptive, geographical, pejorative, meaningless or otherwise, does not avoid a finding of confusing similarity under the first element. See WIPO Overview 3.1, section 1.8.

A domain name which consists of a common, obvious or intentional misspelling of a trademark is considered by panels to be confusingly similar to the relevant mark for the purposes of the first element. See WIPO Overview 3.1, section 1.9.

The Panel considers, as a general proposition, that the practice of adding a letter to a recognised and well-known trademark for the purposes of registering a domain name constitutes typosquatting. See *Alexa Internet and Others v duan xiangwang* (2013) CAC 100614, where the panel found that <amegazon.com> was confusingly similar to AMAZON because it incorporated the mark in its entirety and added two letters with no meaning in context, and that the deliberate misspelling did not create a distinct mark.

The Panel also notes that in *Chocoladefabriken Lindt & Sprüngli AG v Bathrick Tracy* (2026) CAC-UDRP-108954 the panel considered that the addition of a single letter at the end of the "GHIRARDELLI" trademark did not prevent a finding of confusing similarity.

The same reasoning applies here. The appended letter "s" may be read as a possessive or a plural of the Complainant's name and sits immediately before the gTLD where it is easily overlooked. It does not materially alter the overall impression of the invented and highly distinctive "GHIRARDELLI" trademark, and Internet users are likely to perceive <ghirardellis.shop> as a mistyped or slightly modified version of the Complainant's own domain name, or as an online shop operated by the Complainant.

That impression is reinforced by the way in which the disputed domain name has been used. The Complainant's evidence shows that the website at the disputed domain name displayed the GHIRARDELLI logo at its head, used images of genuine GHIRARDELLI packaged products and offered those products at heavy discounts.

Internet users encountering the disputed domain name in connection with GHIRARDELLI branded goods would naturally assume that it is operated by, or otherwise associated with, the Complainant.

The addition of the gTLD ".shop" does not add any distinctiveness to the disputed domain name and will be disregarded for the purposes of considering this ground. See WIPO Overview 3.1, section 1.11.1.

The Panel, therefore, finds that the disputed domain name is confusingly similar to a trademark 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.

A complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests, after which the burden of production shifts to the respondent to demonstrate such rights or legitimate interests in the domain name. If the respondent fails to discharge this burden, paragraph 4(a)(ii) of the Policy is satisfied. See WIPO Overview 3.1, section 2.1.

There is no evidence that the Respondent holds any trademark rights in or is commonly known by the disputed domain name. The Complainant's trademark searches disclose no registration for "ghirardellis" held by the Respondent or any third party, and the Complainant's Google and dictionary searches show that the term has no independent meaning and refers overwhelmingly to the Complainant.

The disputed domain name was also registered more than a century after the Complainant's earliest rights in the "GHIRARDELLI" trademark were established in the United States.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name for several reasons, which the Panel accepts:

- The Complainant has never licensed, authorized, or otherwise consented to the Respondent's use of the "GHIRARDELLI" trademark, whether in a domain name or in any other manner.

- The Respondent is not commonly known by the name “ghirardellis” or by the disputed domain name and holds no trademark rights in it.
- The disputed domain name formerly resolved to a website which displayed the “GHIRARDELLI” trademark prominently at the top of the webpage, reproduced elements of the Complainant’s branding and purported to offer GHIRARDELLI branded products at an 80% discount, without any statement disclaiming affiliation with the Complainant. Such use does not satisfy the requirements of the *Oki Data* test (WIPO Overview 3.1, section 2.8.1) and, more fundamentally, amounts to impersonation of the Complainant.
- The disputed domain name currently does not resolve to any active website. Passive holding of this kind is not a bona fide offering of goods or services, nor a legitimate noncommercial or fair use.
- The composition of the disputed domain name, being the “GHIRARDELLI” trademark plus the letter “s” under the “.shop” gTLD, carries a high risk of implied affiliation with the Complainant, whose products are sold through its own stores and online. See WIPO Overview 3.1, section 2.5.1.

The Panel adds that the use of a domain name for a copycat site or passing off can never confer rights or legitimate interests on a respondent. See WIPO Overview 3.1, section 2.13.1.

The website at the disputed domain name presented itself as a GHIRARDELLI online store, solicited orders at implausible discounts and directed enquiries to an email address at a lookalike domain, <ghirardeli.us>, rather than to the Complainant. Use of that kind is not legitimate.

The Respondent has been given an opportunity in this proceeding to present a case for rights or legitimate interests but has failed to do so and has, therefore, not rebutted the Complainant’s prima facie case.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and that the requirement of paragraph 4(a)(ii) of the Policy is made out.

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown that 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.

Paragraph 4(b) of the Policy sets out a non-exhaustive list of circumstances which, if present, constitute evidence of registration and use of a domain name in bad faith, including, under paragraph 4(b)(iv), where a respondent has intentionally attempted to attract, for commercial gain, Internet users to its online location by creating a likelihood of confusion with the complainant’s mark as to source, sponsorship, affiliation or endorsement.

Bad faith registration

The evidence shows that the “GHIRARDELLI” trademark is a coined and highly distinctive term which has been in registered use in the United States since 1925 and enjoys a substantial reputation, as prior panels have recognised.

The disputed domain name reproduces that trademark in full with only the letter “s” appended, which the Panel has already found to be a deliberate misspelling chosen with the Complainant in mind, and amounts to typosquatting.

The choice of the “.shop” gTLD, which corresponds directly to the Complainant’s retail activities, adds to that impression. See WIPO Overview 3.1, section 3.2.1.

The Complainant’s evidence also shows that Google searches for “ghirardellis” conducted before the registration of the disputed domain name returned results overwhelmingly relating to the Complainant. The Panel considers that it is implausible that the Respondent selected the disputed domain name without knowledge of the Complainant and its trademark. Any doubt on that point is removed by the Respondent’s use of the disputed domain name, within days of its registration, for a website trading on the GHIRARDELLI logo and products.

The mere registration of a domain name that is confusingly similar to a well-known trademark, and particularly a coined or fanciful mark, can by itself create a presumption of bad faith. See WIPO Overview 3.1, section 3.1.4.

Accordingly, the Panel finds that the Respondent registered the disputed domain name with actual knowledge of the Complainant’s rights and with the intention of targeting the Complainant.

Bad faith use

The evidence adduced shows that the disputed domain name resolved to an online store which reproduced the Complainant’s GHIRARDELLI logo and get-up, displayed images of the Complainant’s packaged products and offered them at “80% Off” with free shipping.

The disputed domain name website contained no disclaimer of affiliation with the Complainant and directed customer contact to an email address at <ghirardeli.us>, a further lookalike domain.

The Panel finds that such conduct was intended to mislead Internet users into believing that they were dealing with the Complainant or an authorised reseller, and to extract orders and payment details from them. Use of a domain name in this way, to impersonate the

trademark owner, falls squarely within paragraph 4(b)(iv) of the Policy and is manifestly evidence of bad faith. See WIPO Overview 3.1, section 3.1.4.

The Complainant has also adduced evidence of a Google search result containing an AI generated overview describing the website at the disputed domain name as "a fake scam site designed to look like the official Ghirardelli online store". Consistently with the approach taken in *Chocoladefabriken Lindt & Sprüngli AG v Bathrick Tracy* (2026) CAC-UDRP-108954, the Panel treats that overview as a search result rather than as independent proof of fraud. It is in any event unnecessary to rely upon it, since the Complainant's own evidence adduced of the disputed domain name website speaks for itself.

The disputed domain name no longer resolves to an active website. That does not assist the Respondent. The passive holding of a domain name does not prevent a finding of bad faith where the circumstances indicate that no good faith use of the domain name is plausible. See WIPO Overview 3.1, section 3.3.

Here, the distinctiveness and reputation of the "GHIRARDELLI" trademark, the typosquatting composition of the disputed domain name, the Respondent's prior use of it for an impersonating online store, the Respondent's use of a privacy service to conceal its identity at the time of registration, and the absence of any response all point to the conclusion that the current inactivity is simply the consequence of an abandoned or interrupted scheme, and not a change of heart.

The Panel also places weight on the Respondent's conduct in *Chocoladefabriken Lindt & Sprüngli AG v Bathrick Tracy* (2026) CAC-UDRP-108954. The Respondent registered <ghirarrdellii.shop> on August 8, 2026, one day after registering the disputed domain name, and used it for a GHIRARDELLI branded site offering 80% discounts before redirecting it to sites imitating other brands.

The panel in that case found bad faith registration and use and ordered transfer. The registration of two typosquatted GHIRARDELLI domain names on consecutive days, each used for the same kind of impersonating store, demonstrates a pattern of conduct directed at the Complainant and is itself evidence of bad faith within paragraph 4(b)(ii) of the Policy. See WIPO Overview 3.1, section 3.1.2.

The Respondent has not filed any response in this proceeding and has therefore not rebutted the Complainant's contentions on bad faith registration and use.

Accordingly, the Panel finds that the disputed domain name has been registered and is being used in bad faith, and that the requirement of paragraph 4(a)(iii) of the Policy is made out.

PROCEDURAL FACTORS

Complainant's name

By a non-standard communication dated October 27, 2026 the Complainant's representative drew attention to a typographical error in the Complainant's name as entered on the online platform, and confirmed that the Complainant's correct corporate name is "Chocoladefabriken Lindt & Sprüngli AG", as appears in the Letter of Authorization and in the trademark registrations.

The Panel has adopted the correct name in this decision.

Notification of proceedings to the Respondent

On October 29, 2026, the CAC by its non-standard communication headed "Notification of Delivery" stated as follows (omitting irrelevant parts):

"The CAC notified the Respondent of the administrative proceeding via the available means of communication: email notification and written notice.

No other address for correspondence was found on the disputed domain name.

Please be aware that neither the written notice of the Complaint nor the advice of delivery thereof was returned to the Czech Arbitration Court. The CAC is therefore unaware whether the written notice was received by the Respondent.

As far as the e-mail notice is concerned, we received confirmation that the e-mail notice sent to postmaster@ghirardellis.shop was returned as undeliverable because the e-mail address had permanent fatal errors.

The e-mail notice was also sent to wtxwyz@hotmail.com and the e-mail was successfully delivered. No further e-mail address could be found on the disputed website.

According to our records, the Respondent never accessed the online platform."

The e-mail address wtxwyz@hotmail.com is the registrant e-mail address disclosed by the Registrar in its verification.

Given the reasonable measures employed by the CAC as set out in the above non-standard communication, which satisfy paragraph 2(a) of the Rules, the Panel is satisfied that all procedural requirements under the UDRP were met and that there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Complainant owns an extensive portfolio of trademark registrations for the mark “GHIRARDELLI” in numerous jurisdictions, the earliest dating from 1925, and uses the “GHIRARDELLI” trademark to designate its chocolate products and retail services.

The Respondent registered the disputed domain name on August 7, 2026, long after the Complainant had established its rights in the “GHIRARDELLI” trademark and used it for an online store impersonating the Complainant before allowing it to lapse into inactivity.

The Complainant challenges the registration of the disputed domain name under paragraph 4(a) of the Uniform Domain Name Dispute Resolution Policy, seeking transfer of the disputed domain name.

The Respondent has failed to file any administratively compliant response and has therefore not contested the Complainant’s factual and legal contentions.

For the reasons articulated in the Panel’s findings above, the Panel is satisfied that:

- The disputed domain name is confusingly similar to the Complainant’s “GHIRARDELLI” trademark.
- The Respondent has no rights or legitimate interests in respect of the disputed domain name.
- The disputed domain name has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ghirardellis.shop**: Transferred

PANELLISTS

Name	**William Lye OAM KC**

DATE OF PANEL DECISION 2026-11-11

Publish the Decision