Decision for dispute CAC-UDRP-109041

Case number	CAC-UDRP-109041
Time of filing	2026-10-01 11:22:46
Domain names	ghirardelliisale.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (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 owns various trademark registrations for the phrase “GHIRARDELLI”, including the US trademark registration no. 205776 “GHIRARDELLI”, registered (and duly renewed) since November 17, 1925, for “chocolate, candy, and cocoa” in class 30.

The Complainant also owns the domain name <ghirardelli.com>, registered on June 24, 1998, which has been used since at least 2000 in connection with the official website for the Complainant’s “GHIRARDELLI” brand.

The disputed domain name was registered on August 28, 2026, i.e., the Complainant’s trademark registration cited above predates the registration of the disputed domain name.

FACTUAL BACKGROUND

The Complainant was established in 1845 and is headquartered in Zurich, Switzerland. It claims to be one of the principal producers of premium chocolate products worldwide. Its products are marketed in approximately 120 countries through an extensive international structure comprising subsidiaries, branch offices, company-operated retail locations and authorized distributors. The Complainant employs approximately 15,500 people globally and recorded sales of CHF 5.92 billion in 2025.

The Complainant acquired Ghirardelli Chocolate Company in 1998. Established in 1852 and based in San Francisco, California,

Ghirardelli Chocolate Company claims to be one of the most recognized chocolate brands in the United States. Products sold under the "GHIRARDELLI" mark are made available through a variety of distribution channels, including dedicated GHIRARDELLI retail locations, third-party retailers and wholesale distributors. The considerable commercial position achieved by the GHIRARDELLI brand is illustrated by its financial results, with revenues amounting to USD 888 million in 2024.

The disputed domain name formerly resolved to a website presented in a manner designed to appear as an official GHIRARDELLI online store. The overall presentation of the Respondent's website closely resembled the Complainant's own official GHIRARDELLI website, including:

- The extensive and highly visible use of the "GHIRARDELLI" mark throughout the website, including in prominent positions at the top of website;
- The display of photographs and product images featuring genuine GHIRARDELLI-branded products, together with purported sales offers encouraging consumers to purchase such goods directly through the website at heavily discounted prices;
- The collection of personal and financial information from users during the checkout process, including payment card details and other sensitive information.

The Respondent had registered the following other domain names similar to the disputed domain name, all of them misspellings of the GHIRARDELLI mark combined with additional terms: <ghirardelliistore.com> (CAC-UDRP-109034), <ghirardelliiofficial.com> (CAC-UDRP-109013), <ghirardelliishop.com> (CAC-UDRP-109014), and <ghirardelliisell.com> (CAC-UDRP-109015).

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

1.

The disputed domain name is confusingly similar to the Complainant's well-known and distinctive trademark "GHIRARDELLI". The disputed domain name differs from the Complainant's trademark only through the duplication of the final letter "i" of the mark and the inclusion of the generic term "sale". Neither of these elements is capable of dispelling the confusing similarity between the disputed domain name and the Complainant's trademark. The "GHIRARDELLI" mark remains plainly recognizable notwithstanding these additions.

2.

The Panel further finds that the Complainant successfully submitted prima facie evidence that the Respondent has neither made any use of, nor demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name, nor is commonly known under the disputed domain name. This prima facie evidence was not challenged by the Respondent.

It is not clear whether or not the products being offered for sale on the Respondent's website are genuine GHIRARDELLI products, i.e., whether the Respondent is a legitimate reseller or distributor of the Complainant's own products. It is possible that resellers, distributors, or service providers use domain names like the disputed domain name for a bona fide offering of goods and services (within the meaning of paragraph 4(c)(i) of the Policy) and thus have a legitimate interest in such domain name. However, under the well-established "Oki Data test" (see Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903, <okidataparts.com>; see section 2.8 of the WIPO Jurisprudential Overview 3.1 for more details), the following cumulative requirements must be met in such cases:

(i) the Respondent must actually be offering the goods or services at issue;

(ii) the Respondent must use the site to sell only the trademarked goods or services;

(iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and

(iv) the Respondent must not try to "corner the market" in domain names that reflect the trademark.

The Respondent does not meet requirement (iii) and therefore fails the Oki Data test.

3.

Given the Respondent's prominent use of the Complainant's "GHIRARDELLI" name on the website it is evident that the Respondent had the Complainant's trademark in mind when registering the disputed domain name. In the absence of a Response, the Panel infers that by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, internet users to his website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of this website and the Respondent's services offered on it (within the meaning of 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. **ghirardelliisale.com**: Transferred

PANELLISTS

Name	**Dr. Thomas Schafft**

DATE OF PANEL DECISION 2026-11-17

Publish the Decision