

ADMINISTRATIVE PANEL DECISION

Barry Callebaut AG, Barry Callebaut Belgium NV v. Lisbet Ramirez
Case No. D2025-3237

1. The Parties

The Complainants are Barry Callebaut AG, Switzerland, (the “First Complainant”) and Barry Callebaut Belgium NV, Belgium, (the “Second Complainant”), represented by Adlex Solicitors, United Kingdom.

The Respondent is Lisbet Ramirez, United States of America.

2. The Domain Name and Registrar

The disputed domain name <barrycallebaut.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 12, 2025. On August 13, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 13, 2025, the Registrar transmitted by email to the Center its verification disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Registration Private) and contact information in the Complaint. The Center sent an email communication to the Complainants on August 14, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amendment to the Complaint on August 15, 2025.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on August 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 8, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on September 9, 2025.

The Center appointed Delia-Mihaela Belciu as the sole panelist in this matter on September 12, 2025. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainants are part of the Barry Callebaut international group of companies, a leading manufacturer of high-quality chocolate and cocoa products, products supplied along with other food products to food businesses including food manufacturers, hotels, bakery chains, restaurants and airlines.

Barry Callebaut group has more than 13,000 employees operating in over 40 countries, having 62 production facilities, 25 chocolate academy centres worldwide, and annual sales of 10.4 billion CHF (approximately USD 12.8 billion).

The First Complainant owns several trademarks incorporating the mark BARRY CALLEBAUT, among which:

- the Swiss national trademark No. 453449 for BARRY CALLEBAUT, registered on July 28, 1998, for goods in classes 29, 30;
- the Swiss national trademark No. 561861 for BARRY CALLEBAUT, registered on September 6, 2007, for goods in classes 5, 29, 30.

The Second Complainant is the main trading company for chocolate within the Barry Callebaut group.

The Barry Callebaut group owns the domain name <barry-callebaut.com> since April 28, 1997, corresponding to its main website “www.barry-callebaut.com”, which had approximately 4,7 million users and 16,3 million page views between March 2019 and February 2023.

The disputed domain name <barrycallebaaut.com> was registered on July 18, 2025, and resolves to a webpage that has the message “Launching Soon” and a contact form. According to the evidence available in the file, Mail Exchange (“MX”) records for the disputed domain name were configured.

5. Parties’ Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that:

- (i) the disputed domain name is confusingly similar to BARRY CALLEBAUT mark, as it contains the trademark in its entirety, with the addition of an extra vowel “a”, thus creating a misspelling of the BARRY CALLEBAUT mark;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name for a number of reasons, among which that, (1) the Complainants have no association with the Respondent and have never authorised or licensed the Respondent to use BARRY CALLEBAUT mark; (2) the Respondent is not commonly known by the name “barrycallebaaut”;

(iii) the disputed domain name was registered and is being used in bad faith for a number of reasons, among which that, (1) the distinctiveness and fame of the BARRY CALLEBAUT mark, (2) the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (3) the implausibility of any good faith use of the disputed domain name, (4) the website corresponding to the disputed domain name incorporates a contact form, (5) MX records were configured for the disputed domain name, (6) the disputed domain name involves typo-squatting and is uniquely referable to the BARRY CALLEBAUT mark.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

In order for the Complainants to succeed, such must prove, according to paragraph 4(a) of the Policy, that:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights; and

(ii) the Respondent has no rights or legitimate interests with respect to the disputed domain name; and

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

In case all three elements above have been fulfilled, the Panel is able to grant the remedy requested by the Complainants. Thus, the Panel will deal with each of the requirements in turn.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainants' trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The First Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the mark is recognizable within the disputed domain name. The disputed domain name incorporates the BARRY CALLEBAUT mark belonging to the First Complainant in its entirety with the addition of an extra vowel "a" at the end of the mark, and with the verbal elements of the mark being written together. Therefore, the Panel finds that the disputed domain name consists of a common, obvious, or intentional misspelling of a trademark which is considered to be confusingly similar to the relevant mark for purposes of the first element. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.9.

In what concerns the addition of the generic Top-Level Domain ("gTLD") ".com" in relation to the disputed domain name, such is viewed as a standard registration requirement, and is disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The Panel therefore finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

Based on the available record, the Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants’ prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Thus, based on the available evidence, the Respondent does not appear to be commonly known by the name “barrycallebaaut”. The Complainants have no association with the Respondent and have never authorised or licensed the Respondent to use the BARRY CALLEBAUT mark.

Furthermore, the disputed domain name consists of a common, obvious, or intentional misspelling of the Complainants’ BARRY CALLEBAUT mark with the addition of an extra vowel “a” at the end of the mark, and with the verbal elements of the mark being written together, which is very likely to lead to confusion for Internet users seeking or expecting the Complainants.

Moreover, the disputed domain name resolves to an inactive webpage that has the message “Launching Soon” and a contact form, while MX records were configured in relation to this disputed domain name which could lead to a possible risk of a fraudulent activity.

All the above does not amount to a bona fide offering of goods or services, or to a legitimate noncommercial or fair use of the disputed domain name.

Based on the available record, the Panel finds that the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that the Complainants’ rights in the BARRY CALLEBAUT mark, which enjoys of a distinctive character, predate the registration date of the disputed domain name, which consists of a common, obvious, or intentional misspelling of the Complainants’ BARRY CALLEBAUT mark.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes that, the disputed domain name resolves to an inactive webpage that has the message “Launching Soon” and a contact form, while MX records were configured in relation to this disputed domain name, aspect which could lead to a possible risk of a fraudulent activity. Moreover, the disputed domain name consists of a common, obvious, or intentional misspelling of the Complainants’ BARRY CALLEBAUT mark with the addition of an extra vowel “a” at the end of the mark, and with the verbal elements of the mark being written together, leading thus to confusion and misleading Internet users including into believing that any email which might be sent using the disputed domain name is sent by the Complainants or by an affiliated entity with the Complainants’ consent.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy and finds that the Complainants have established the third element of the Policy.

7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <barrycallebaaut.com> be transferred to the First Complainant (Barry Callebaut AG).

/Delia-Mihaela Belciu/

Delia-Mihaela Belciu

Sole Panelist

Date: September 26, 2025