

**Decision for dispute CAC-UDRP-106611**

Case number	CAC-UDRP-106611
Time of filing	2024-06-18 14:47:48
Domain names	lindtpascoa.com, lindtpascoa.online, lindtpascoa.store

**Case administrator**

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

Organization	Chocoladefabriken Lindt & Sprüngli AG
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**Complainant representative**

Organization	SILKA AB
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**Respondent**

Organization	Fox Intermediacoes Ltda
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## 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 names.

## IDENTIFICATION OF RIGHTS

In order to prove ownership of the LINDT trademark, the Complainant submitted two internal documents. However, these extracts are not official documents; only trademark certificates or extracts from the official trademark databases are the correct tools to prove the ownership of a trademark. Thus, only these documents should be used, within UDRP proceedings, in order to prove ownership of a trademark.

That being said, the Panel verified such list on the relevant trademark databases and confirms that the Complainant is the owner of the following trademark:

LINDT, International reg. no. 1773636 claiming a priority of June 23rd 2023 designating Brazil and the European Union.

## FACTUAL BACKGROUND

**I - The Complainant**

The Complainant is an international manufacturer of chocolate and owns, among the others, the trademark LINDT.

## II - The disputed domain names

The disputed domain names were all registered on March 30, 2024 by FOX INTERMEDIACOES LTDA. The disputed domain names all point to inactive websites.

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### PARTIES CONTENTIONS

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

No administratively compliant Response has been filed.

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### RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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).

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### 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 names (within the meaning of paragraph 4(a)(ii) of the Policy).

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### BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names have been registered and are being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

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### 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.

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### PRINCIPAL REASONS FOR THE DECISION

#### **1. The disputed domain names are confusingly similar to a trademark in which the Complainant has rights.**

The Complainant has successfully proved to be the owner of the trademark LINDT.

The Panel finds that the trademark "LINDT" is fully recognizable in the disputed domain names since the addition of the generic word "pascoa" (Easter in Portuguese) increases the likelihood of confusion with the prior trademark LINDT as the Portuguese speaking portion of the relevant public could easily associate this term with the Complainant's business conducted under the trademark LINDT.

According to a consolidated case law in cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in it, the confusing similarity threshold is met.

Furthermore, the addition of domain name extension is generally disregarded in view of its technical function.

As a consequence, the Panel finds that the disputed domain names are confusingly similar to the Complainant's trademark, for the purposes of the First Element of the Policy.

#### **2. The Respondent lacks rights or legitimate interests in the disputed domain names.**

Pursuant to paragraph 4(a)(ii) of the Policy, a complainant is required to make out a prima facie case that a respondent lacks rights or legitimate interests in the disputed domain name. Once such a prima facie case is made, the respondent carries the burden of demonstrating its rights or legitimate interests in the disputed domain name. If the respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

## Publish the Decision