Decision for dispute CAC-UDRP-107468

Case number	CAC-UDRP-107468
Time of filing	2025-04-10 18:35:25
Domain names	lindt-dubai.com, lindtdubai.com

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondents

Organization	Ma boutique
Organization	Mi tienda

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

The Complainant has demonstrated ownership of rights in the trademarks LINDT and LINDT DUBAI CHOCOLATE for the purposes of standing to file a UDRP complaint.

The Complainant is the owner of trademark registrations for LINDT and LINDT DUBAI CHOCOLATE, including the following, as per trademark registration details submitted as annex to the Complaint:

- European Union trademark registration No. 000134007 for LINDT (word mark), filed on April 1, 1996, and registered on September 7, 1998, in class 30;

- United States trademark registration No. 71053378 for LINDT (word mark), filed on December 20, 1910, and registered on July 09, 1912, in international class 30;

- International trademark registration No.1841010 for LINDT DUBAI CHOCOLATE (word mark), registered on January 9, 2025, in class 30;

- Swiss trademark registration No. 824947 for LINDT DUBAI CHOCOLATE (word mark), filed on November 26, 2024, and registered

on January 09, 2025, in class 30;

- International trademark registration No. 348017 for LINDT (figurative mark), registered on August 30, 1968, in class 30;

- United States trademark registration No. 2031928 for LINDT (figurative mark), filed on December 1, 1995, and registered on Jan 21, 1997, in international class 30.

FACTUAL BACKGROUND

The Complainant is a Swiss chocolatier and confectionery company, founded in 1845 and specialized in the production and marketing of premium quality chocolate.

With a large selection of products sold in more than 120 countries around the world, today the Complainant's chocolate products are made in 12 own production sites in Europe and the United States of America, and are distributed by 36 subsidiary companies and branch offices, in more than 500 own stores, and also via a comprehensive network of more than 100 independent distributors around the globe.

With approximately 15.000 employees, the Complainant reported sales of CHF 5.47 billion in 2024 and an operating profit of CHF 8.884 million.

For the purpose of the present proceeding, the Complainant is, amongst other products, the producer of the Lindt Dubai Style Chocolate: a limited-edition, handmade chocolate bar inspired by the viral Dubai chocolate trend (created in 2021 by Sarah Hamouda, which gained viral notoriety on TikTok by various creators), featuring creamy milk chocolate, pistachio butter, crispy kadayif, and velvety tahini.

The Complainant is the owner of numerous domain names, including <lindt.com>, registered on December 16, 1997, and used by the Complainant to promote its products under the trademark LINDT.

The disputed domain name <lindt-dubai.com> was registered on March 21, 2025, and currently does not resolve to an active website. However, according to the screenshots submitted by the Complainant – which have not been contested by the Respondent, it previously resolved to a website in Spanish language, in which the Complainant's LINDT figurative mark was reproduced on the top and where LINDT DUBAI CHOCOLATE-branded goods were purportedly offered for sale with a substantial discount (2 EUR instead of 9,99 EUR). The website did not include any disclaimer and displayed the following copyright notice at the bottom of the page: "© 2024, LINDT. TOUS DROITS RÉSERVÉS".

The disputed domain name <lindtdubai.com> was registered on March 28, 2025, and is not redirected to an active website. Based on the screenshots provided by the Complainant – again, not challenged by the Respondent, on April 3, 2025, the disputed domain name resolved to a website offering popular perfumes for sale with a significant price reduction. Prior to that, on March 29, 2025, it was redirected to a website in Spanish featuring the Complainant's LINDT figurative mark and images of the Complainant's LINDT DUBAI STYLE CHOCOLATE products, which were offered for sale at the same price (2 EUR) applied on the website to which the disputed domain name <lindt-dubai.com> resolved.

PARTIES CONTENTIONS

COMPLAINANT

The Complainant contends that the disputed domain names <lindt-dubai.com> and <lindtdubai.com> are confusingly similar to the trademarks LINDT and LINDT DUBAI CHOCOLATE in which the Complainant has rights as they both reproduce the LINDT trademark and part of the LINDT DUBAI CHOCOLATE mark with the mere addition of a hyphen in the first disputed domain name "lindt" and "dubai", and in both cases, of the generic Top-Level Domain ("gTLD") ".com", which does not prevent the likelihood of confusion between the disputed domain names and the Complainant, its trademark and its own domain name.

The Complainant also asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain names because: i) the Respondent is in no way affiliated with, licensed or authorized by the Complainant to use the LINDT or LINDT DUBAI CHOCOLATE marks or register a domain name using its marks; ii) the disputed domain names and the terms "lindt-dubai" and "lindtdubai" have no meaning in English language; iii) the Respondent does not own any trademarks identical to the disputed domain names or to the terms "lindt-dubai" and "lindtdubai" and is not commonly known by the disputed domain names; iv) the Respondent has not used the disputed domain names in good faith or for a non-commercial activity since the disputed domain name <lindt-dubai.com> resolved to a website in Spanish language, on which the Complainant's LINDT mark was published and LINDT DUBAI CHOCOLATE-branded goods were purportedly offered for sale with a substantial discount, reproducing the Complainant's product visuals without publishing a proper disclaimer and publishing a misleading copyright notice on the home page; and the disputed domain name <lindtdubai.com>, before resolving to a website offering popular perfumes (or most likely imitations or counterfeits of the original perfumes) for sale with a significant price reduction, was redirected to a website similar to the one published at <lindt-dubai.com>, publishing the Complainant's trademark and offering purported LINDT DUBAI CHOCOLATE-branded goods at discounted prices, without providing any disclaimer of non-affiliation with the Complainant; and v) the disputed domain names carry a high risk of implied affiliation with the Complainant and its activities and were used for impersonation purposes.

The Complainant contends that the Respondent registered the disputed domain names in bad faith since: i) the disputed domain names reproduce the Complainant's well-known trademark LINDT in full and almost entirely the LINDT DUBAI CHOCOLATE mark, without the Complainant's consent; ii) the registration and use of the Complainant's LINDT mark long predate the date of registration of the disputed domain names; iii) since both disputed domain names at some point resolved to similar websites publishing the LINDT figurative mark and offering purported LINDT DUBAI CHOCOLATE products for sale, the Respondent had the Complainant and its activities in mind at the time of registration of the disputed domain names.

The Complainant states that the Respondent has used without permission the Complainant's LINDT and LINDT DUBAI CHOCOLATE marks in order to intentionally attempt to attract, for commercial gain, Internet users to its websites by creating likelihood of confusion with the Complainant's marks as to the source, sponsorship, affiliation or endorsement of the websites or the goods offered on them, which amounts to registration and use in bad faith in accordance with paragraph 4(b)(iv) of the Policy.

The Complainant also indicates that, although the use of the disputed domain names is currently different, the website hosted by the disputed domain name <lindt-dubai.com> is inactive as it has been taken down as a result of the Complainant's request, whereas the disputed domain name <lindtdubai.com> resolves to a website where popular perfumes are purportedly offered for sale with a significant discount, which would also constitute bad faith use based on the above-mentioned paragraph 4 (b)(iv) of the Policy.

The Complainant further submits that the Respondent's use of the disputed domain names is apt to disrupt the Complainant's business, due to the customer relations issues they create for the Complainant by selling goods under the Complainant's LINDT and LINDT DUBAI CHOCOLATE marks.

RESPONDENT

No administratively compliant Response has been filed.

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).

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).

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).

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.

Considering the disputed domain names are registered in the name of different named registrants, the issue of consolidation of multiple Respondents must be addressed before entering into the merits of the case.

The amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the disputed domain names are under common control and requests the consolidation of the multiple domain name registrants pursuant to paragraph 10(e) of the Rules. The disputed domain name registrants did not comment on the Complainant's request.

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties.

The Panel finds that the following circumstances highlighted by the Complainant suggest that the disputed domain names are under common control:

- Both disputed domain names target the Complainant's well-known LINDT mark and the Complainant's LINDT DUBAI CHOCOLATE mark. Besides, the disputed domain names share the same structure, combining the LINDT mark with the geographical term "dubai".
- The disputed domain names were registered with the same Registrar and in a short time frame, i.e. on March 21 and March 28, 2025.
- According to the records, the disputed domain names originally both resolved to websites in Spanish language that reproduced on the top the Complainant's well-known LINDT mark in a similar manner. Moreover, the websites also included similar images of the Complainant's LINDT DUBAI CHOCOLATE-branded goods and offered for sale the Complainant's LINDT DUBAI CHOCOLATE products applying the same discounted price (2 EUR).
- The Registrar-provided registrant information for the disputed domain names includes as organization name the words "Ma boutique" and "Mi tienda", which both mean "my shop" in in French and Spanish, respectively.
- The website to which the disputed domain name <lindt-dubai.com> resolved is almost identical to the website originally published at the domain name <lintdubaiedition.com> - which is subject to a separate UDRP proceeding -, and on the latter website a contact email address based on the disputed domain name <lindtdubai.com> was displayed.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

PRINCIPAL REASONS FOR THE DECISION

1. The Complainant has provided evidence of ownership of valid trademark registrations for LINDT and LINDT DUBAI CHOCOLATE.

The Panel finds that the disputed domain names <lindt-dubai.com> and <lindtdubai.com> are confusingly similar to the Complainant's trademark LINDT, as they both reproduce the LINDT mark with the mere addition of a hyphen in the first disputed domain name, and the term "dubai". The Panel also finds that the disputed domain names are confusingly similar to the Complainant's LINDT DUBAI CHOCOLATE mark, as they reproduce the most relevant portion of the Complainant's mark, consisting of the two terms "Lindt" and "Dubai", with the mere omission of the descriptive term "chocolate". Such minor changes are not sufficient to prevent a finding of confusing similarity under the first element.

As to the gTLD ".com", as established in a number of prior UDRP cases, it is viewed as a standard registration requirement and as such it can be disregarded for the purpose of assessing identity or confusing similarity under paragraph 4(a)(i) of the Policy.

2. With reference to the Respondent's rights or legitimate interests in the disputed domain names, the Panel finds that the Complainant has made a prima facie case and that the Respondent, by not submitting a Response, has failed to provide any element from which a Respondent's right or legitimate interest in the disputed domain names could be inferred.

The Panel notes that, based on the records, the Respondent has been in no way authorized or licensed by the Complainant to use its trademarks LINDT and LINDT DUBAI CHOCOLATE or to register and use the disputed domain names. Moreover, there is no evidence that the Respondent might have rights to, or be commonly known by, the disputed domain names or a name corresponding to the disputed domain names.

As highlighted above, the disputed domain names are currently being passively held. However, the Complainant has demonstrated that both disputed domain names resolved, shortly after their registration, to similar websites in Spanish, publishing the LINDT figurative mark and images of the Complainant's LINDT DUBAI CHOCOLATE products and promoting the online sale of the Complainant's special edition Dubai chocolate products at the same discounted price of 2 EUR. Moreover, according to the records, the websites did not include a proper disclaimer as to the lack of affiliation with the Complainant.

In view of the above-described use of the disputed domain names and also considering the subsequent use of the disputed domain name <lindtdubai.com> to promote the sale of perfumes without providing any disclaimer of non-affiliation with the Complainant, the Panel finds that there is no evidence of use of the disputed domain names by the Respondent in connection with a bona fide offering of goods or services or a legitimate non-commercial or fair use.

In addition to the above, the Panel finds that the disputed domain names, reproducing the Complainant's well-known trademark LINDT in its entirety, with the mere addition of the term "Dubai", carry a high risk of implied affiliation with the Complainant.

Therefore, the Panel finds that the Complainant has demonstrated that the Respondent has no rights or legitimate interests in respect of the disputed domain names according to paragraph 4(a)(ii) of the Policy.

3. As to bad faith at the time of registration, the Panel finds that, in light of the Complainant's prior registration and use of the trademarks LINDT and LINDT DUBAI CHOCOLATE, also online on the Complainant's website "www.lindt.com", and considering the well-known character of the Complainant's trademark LINDT, the Respondent was or should have been aware of the Complainant and its trademark rights when it registered the disputed domain names in March 2025.

Moreover, considering the composition of the disputed domain names, which both incorporate the Complainant's trademark LINDT and the dominant portion of the Complainant's trademark LINDT DUBAI CHOCOLATE, and in view of the explicit reference to the

Complainant's trademarks and products made by the Respondent on the websites to which the disputed domain names resolved prior to this proceeding, the Panel finds that, on balance of probabilities, the Complainant was actually aware of, and intended to target, the Complainant and its trademark.

The Panel also finds that, by pointing the disputed domain names to the websites described above, featuring the Complainant's marks and product visuals and offering for sale purported LINDT DUBAI CHOCOLATE products, without accurately and prominently disclosing the relationship with the trademark owner, the Respondent intentionally attempted to attract Internet users to its websites for commercial gain, by causing a likelihood of confusion with the Complainant's trademarks as to the source, sponsorship, affiliation or endorsement of its websites and the products promoted therein according to paragraph 4(b)(iv) of the Policy. The Panel also finds that the same circumstance applies considering the Respondent's subsequent use of the disputed domain name <lindtdubai.com> in connection with the advertising and offering of perfumes, since the Respondent appears to have intentionally attracted and diverted users looking for the Complainant's products to its own website for commercial gain, seeking to capitalize on the goodwill of the LINDT mark, misleading consumers into thinking that its website was operated by or affiliated with the Complainant, when it was not the case.

The disputed domain names do not currently resolve to active websites. As established in a number of prior UDRP cases, the concept of "bad faith use" in paragraph 4(b) of the Policy includes not only positive action but also passive holding. In the present case, in light of i) the composition of the disputed domain names, which incorporate the Complainant's distinctive and well-known trademark LINDT; ii) the prior use of the disputed domain names made by the Respondent; and iii) the Respondent's failure to submit a Response to provide any evidence of actual or contemplated good-faith use of the disputed domain names, the Panel finds that the current passive holding of the disputed domain names does not prevent a finding of bad faith under the Policy.

Therefore, the Panel finds that the Complainant has also demonstrated that Respondent registered and is using the disputed domain names in bad faith according to 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. **lindt-dubai.com**: Transferred
2. **lindtdubai.com**: Transferred

PANELLISTS

Name	**Luca Barbero**

DATE OF PANEL DECISION 2025-05-20

Publish the Decision