Decision for dispute CAC-UDRP-107486

Case number	CAC-UDRP-107486
Time of filing	2025-04-29 16:22:00
Domain names	lintdubaiedition.com

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Organization	Lindt Edition Dubai Style

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 is the registered owner of many trademarks consisting and/or containing LINDT, e.g. European Union Trademark Registration No. 000134007 LINDT (word mark), registered on September 7, 1998, for goods in class 30; Swiss Trademark Registration No. 824947 LINDT DUBAI CHOCOLATE (word mark), registered on January 9, 2025, for goods in class 30.

FACTUAL BACKGROUND

It results from the Complainant's undisputed allegations that it is a Swiss chocolatier and confectionery company, leader in the market for premium quality chocolate, which offers a large selection of products in more than 120 countries around the world. In relation to this case, one of the Complainant's products is its Lindt Dubai Style Chocolate, which is a limited-edition, handmade chocolate bar inspired by the viral Dubai chocolate trend, featuring creamy milk chocolate, pistachio butter, crispy kadayif, and velvety tahini.

The Complainant further contends its trademark LINDT is distinctive and well-known.

Furthermore, the Complainant owns and uses the domain name <lindt.com> (registered on December 16, 1997), which displays information about the Complainant and its activities.

The disputed domain name <lintdubaiedition.com> was registered on April 7, 2025.

Furthermore, the undisputed evidence provided by the Complainant proves that the disputed domain name resolved to a webshop prominently displaying without authorization the Complainant's trademark LINDT and logo and allegedly selling Complainant's LINDT-branded goods (i.e. LINDT DUBAI Style CHOCOLATE-branded goods were purportedly offered for sale with a substantial discount).

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. Pursuant to paragraph 4(a)(i) of the Policy, the complainant must establish rights in a trademark or service mark, and that the disputed domain name is identical or confusingly similar to a trademark in which the complainant has rights.

It results from the evidence provided, that the Complainant is the registered owner of various LINDT trademarks.

Prior UDRP panels have found that a disputed domain name is confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark in its entirety or where at least a **dominant feature** of the relevant mark is recognizable in the domain name (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0") at section 1.7. This Panel shares this view and notes that the disputed domain name incorporates the dominant feature of the Complainant's trademark, (i.e. LINT, where the consonant "D" is missing), which is clearly recognizable in the disputed domain name).

In addition, it is the view of this Panel that the omission of the consonant "D" between the consonants "n" and "t" in the disputed domain name results to be a common, obvious, or intentional **misspelling** of the Complainant's well known trademark, and cannot prevent a finding of confusing similarity between the disputed domain name and the Complainant's trademark since the disputed domain name contains sufficiently recognizable aspects of the relevant mark (see WIPO Overview 3.0 at section 1.9).

Although the addition of other terms (here “dubai” and “edition”) may bear on the assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. WIPO Overview 3.0, section 1.8.

Finally, the generic Top-Level Domain (“gTLD”) “.com” of the disputed domain name is typically disregarded under the first element confusing similarity test (see WIPO Overview 3.0 at section 1.11.1).

In light of the above, the Panel finds that the disputed domain name is confusingly similar to a trademark in which the Complainants have rights.

2. Pursuant to paragraph 4(a)(ii) of the Policy, the Complainant must secondly establish that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

Paragraph 4(c) of the Policy contains a non-exhaustive list of circumstances which, if found by the Panel to be proved, shall demonstrate the Respondent’s rights or legitimate interests to the disputed domain name.

In the Panel’s view, based on the undisputed allegations stated above, the Complainant has made a prima facie case that none of these circumstances are found in the case at hand and, therefore, that the Respondent lacks rights or legitimate interests in the disputed domain name.

According to the Complaint, which has remained unchallenged, the Complainant has no relationship in any way with the Respondents and did, in particular, not authorize the Respondents’ use of the Complainant’s trademark LINDT, e.g. by registering the disputed domain name, comprising the dominant feature of the Complainant’s well known LINDT trademark.

Moreover, the Panel notes that the disputed domain name contains a common, obvious, or intentional misspelling of the Complainant’s registered and well-known trademark LINDT (plus terms “dubai” and “edition” that clearly refer to one of the Complainant’s products) so that this Panel finds it most likely that employing a misspelling in this way signals an intention on the part of the Respondent to confuse users seeking or expecting the Complainant. Moreover, the Panel notes that more likely than not, the LINDT trademark is not a trademark that one would legitimately adopt in a domain name unless to suggest an affiliation with the Complainant. The Panel finds it most likely that the Respondent registered the disputed domain name with the intention to take advantage of the Complainant’s reputation by registering the disputed domain name containing (a misspelling of) the Complainant’s trademark with the intent to attract Internet users for commercial gain. This is also confirmed by the content of the website to which the disputed domain name resolved, displaying without authorization the Complainant’s trademark, logo, and allegedly selling Complainant’s LINDT-branded goods (i.e. LINDT DUBAI Style CHOCOLATE-branded goods were purportedly offered for sale with a substantial discount).

Furthermore, the Panel notes that there is no evidence showing that the Respondents might be commonly known by the disputed domain name in the sense of paragraph 4(c)(ii) of the Policy.

It is acknowledged that once the Panel finds a prima facie case is made by a Complainant, the burden of production under the second element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain name (see WIPO Overview 3.0 at section 2.1). Since the Respondent in the case at hand failed to come forward with any allegations or evidence, this Panel finds, in the circumstances of this case, that the Respondents have no rights or legitimate interests in the disputed domain names.

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

3. According to paragraph 4(a)(iii) of the Policy, the Complainant must thirdly establish that the disputed domain name has been registered and is being used in bad faith. The Policy indicates that certain circumstances specified in paragraph 4(b) of the Policy may, “in particular but without limitation”, be evidence of the disputed domain name’s registration and use in bad faith. One of these circumstances is that the Respondent by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website or other online location, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location (paragraph 4(b)(iv) of the Policy).

It is the view of this Panel that these circumstances are met in the case at hand.

In the present case, the Panel shares the view of other UDRP panels and finds that the Complainant’s trademark LINDT is well known. Therefore, this Panel has no doubt that the Respondent positively knew or should have known the Complainant’s trademark when registering the disputed domain name. This is underlined by the fact that the disputed domain name contains a common, obvious, or intentional **misspelling** of the Complainant’s well-known trademark, followed by terms that clearly refer to one of the Complainant’s products. Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely known trademark by an unaffiliated entity can by itself create a presumption of bad faith, WIPO Overview 3.0 section 3.1.4. The Panel shares this view.

Furthermore, the Panel notes that it results from the Complainant’s documented allegations that the disputed domain name resolved to a website displaying without authorization the Complainant’s trademark, logo, and allegedly selling Complainant’s LINDT-branded goods (i.e. LINDT DUBAI Style CHOCOLATE-branded goods were purportedly offered for sale with a substantial discount).

For the Panel, it is therefore evident that the Respondent positively knew the Complainant's mark. Consequently, and in the absence of any evidence to the contrary, the Panel is convinced that the Respondent also knew that the disputed domain name included a misspelling of the Complainant's trademark when it registered the disputed domain name, and that the Respondent used the disputed domain name in bad faith.

The Panel finds that the Complainant has therefore satisfied 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. **lintdubaiedition.com**: Transferred

PANELLISTS

Name	**Dr. Federica Togo**

DATE OF PANEL DECISION 2025-06-12

Publish the Decision