Decision for dispute CAC-UDRP-107492

Case number	CAC-UDRP-107492
Time of filing	2025-05-08 10:00:00
Domain names	lindt-brasil.com

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	Miguel Lopes

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 proved to be the owner of the following trademark registrations:

Trademark	Origin	Registration Number	Registration Date	Class(es) Covered
LINDT	Germany	91037	27/09/1906	30
LINDT	United States	87306	09/07/1912	30
LINDT	Canada	UCA26258	17/10/1946	30
LINDT	International	217838	02/03/1959	30

LINDT	Switzerland	2P-349150	29/10/1986	30, 32
LINDT	International	622189	12/07/1994	30
LINDT	Australia	704669	14/03/1996	30
LINDT	European Union	000134007	07/09/1998	30
LINDT	International	936939	27/07/2007	6, 14, 16, 18, 21, 25, 28, 41
LINDT	Brazil	826413609	14/08/2007	35

FACTUAL BACKGROUND

I - The Complainant

The Complainant is an international manufacturer of chocolate and owns, among the others, the trademark LINDT. The Complainant is included in the lists of the major popular chocolate brands/manufacturers in the world. The Complainant has been a successful complainant in many previous domain name dispute proceedings involving the LINDT brand.

II - The Respondent

The disputed domain name was registered on March 24, 2025 by Miguel Lopes. The disputed domain name <lindt-brasil.com> is redirected to a website featuring the LINDT trademark and offering for sale alleged LINDT products.

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 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 a trademark in which the Complainant has rights.

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

The trademark “LINDT” is totally included in the disputed domain name. In the Panel's view the addition of the geographic word "BRASIL" increases the likelihood of confusion with the trademark LINDT since the disputed domain name could be perceived as the website of the Complainant's local branch.

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 name is 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 name.

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.

In this case, the Panel finds that the Complainant’s submitted evidence and allegations are sufficient to establish a prima facie case of Respondent’s lack of rights and legitimate interests in the disputed domain name.

According to the information provided by the Complainant and not contested by the Respondent, Miguel Lopes, is not commonly known by the disputed domain name nor he is authorized to use the Complainant’s trademarks LINDT. The Panel agrees that the Respondent has not used, nor prepared to use, the Disputed Domain Name in connection with a bona fide offering of goods or services, nor a legitimate non-commercial or fair use. As a matter of fact, <lindt-brasil.com> redirected to a website which was very similar to the LINDT's official website that offered for sale discounted LINDT products. The Respondent's use effectively created the false impression that the disputed domain name is part of the Complainant's official network.

For these reasons, the Panel takes the view that the Respondent lacks rights or legitimate interests in the disputed domain name for the purposes of the Policy.

3. The disputed domain name was registered and is used in bad faith.

The Panel finds the following circumstances as material in order to establish the Respondent's bad faith in the registration of the disputed domain name:

(i) the disputed domain name was registered well after the Complainant acquired rights on the trademark LINDT;

(ii) the Complainant's trademark is well known. The reputation of the trademark LINDT makes it very improbable that the Respondent was not aware of the Complainant's exclusive rights on LINDT at the time of the registration of the disputed domain name;

(iii) the disputed domain name combines the LINDT trademark with a geographic term "BRASIL" that could be connected to the Complainant's local business. This is an additional index that proves that the Respondent was aware of the LINDT trademarks at the time of the registration of the disputed domain name.

As regards use in bad faith, the disputed domain name resolved to a site which impersonated / passed off as the Complainant. This website was very similar to the Complainant's official website since it prominently used the Complainant’s LINDT mark, logo, and other visual indicia copied or otherwise associated with the Complainant’s sites. The Panel agrees that such use reflects the Respondent’s intention to derive commercial gain from confused internet users who, believing they are interacting with a site controlled/authorised by the Complainant, attempt to purchase the site’s purported offerings. This is a clear index of use in bad faith for the purpose of the Policy.

All above considered the Panel finds the evidence submitted as sufficient to prove use and registration in bad faith of the disputed domain name for the purposes 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-brasil.com**: Transferred

PANELLISTS

Name	**Andrea Mascetti**

DATE OF PANEL DECISION 2025-06-17

Publish the Decision