Decision for dispute CAC-UDRP-107638

Case number	CAC-UDRP-107638
Time of filing	2025-06-06 08:33:45
Domain names	lindtexcellencesweeps.com

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	Jon som

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

Complainant is the owner of multiple trademarks for LINDT, including International Trademark LINDT, registration number 1115767 and registration date 16 March 2012, and European Union Trademark LINDT, registration number 000134007 and registration date 7 September 1998. Complainant also holds the European Union Trademark LINDT EXCELLENCE, registration number 004993424 and registration date 11 April 2007.

FACTUAL BACKGROUND

According to the information provided by the registrar the disputed domain name <lindtexcellencesweeps.com> was previously registered by Complainant in 2011 and maintained for multiple years. After lapsing, the disputed domain name was re-registered by Respondent on 26 April 2025.

The disputed domain name resolves to a Chinese-language website displaying content copied from an unrelated fire safety company.

PARTIES CONTENTIONS

Complainant

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

According to the evidence submitted Complainant, founded in 1845, is a well-known chocolate maker based in Switzerland. As a leader in the market of premium quality chocolate, Complainant produces chocolates from 12 own production sites in Europe and the United States. These are sold by 38 subsidiaries and branch offices, as well as via a network of over 100 independent distributors around the globe. Complainant also runs more than 500 own shops. With around 15.000 employees, Complainant reported sales of CHF 5.47 billion in 2024.

According to Complainant the disputed domain name is confusingly similar to Complainant's trademarks. Complainant asserts that the disputed domain name incorporates the entirety of Complainant's well-known LINDT and LINDT EXCELLENCE marks, only followed by the term "sweeps". Through a side-by-side comparison, Complainant's LINDT and LINDT EXCELLENCE marks form the distinctive and dominant portion of, and are clearly recognizable in the disputed domain name.

According to Complainant, Respondent has no rights or legitimate interest in the disputed domain name. Respondent does not have trademark rights for, nor is it commonly known by "lindtexcellencesweeps" or any similar term. According to Complainant Respondent is not connected to nor affiliated with Complainant and has not received license or consent to use the LINDT or LINDT EXCELLENCE marks in any way. 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. The disputed domain name resolves to a Chinese-language website displaying content copied from an unrelated fire safety company. The disputed domain name incorporates Complainant's well-established LINDT and LINDT EXCELLENCE marks and falsely suggests a promotional sweepstakes associated with Complainant. That the website features unrelated and misappropriated content underscores the absence of any legitimate activity and supports the inference of deceptive conduct intended to mislead users and obscure Respondent's true intentions. Complainant adds that the nature of the disputed domain name, juxtaposing Complainant's LINDT and LINDT EXCELLENCE trademarks with the descriptive term "sweeps", creates a high risk of implied affiliation and cannot constitute fair use.

According to Complainant the disputed domain name is registered and is being used in bad faith. Complainant submits that Respondent's choice of the disputed domain name string provides clear evidence of a deliberate intent to target Complainant's LINDT and LINDT EXCELLENCE brands. The term "lindtexcellencesweeps" incorporates both trademarks in their entirety and adds the word "sweeps", which commonly denotes a sweepstakes or promotional event. Taken together, this composition unmistakably suggests an official campaign or endorsement by Complainant and cannot reasonably be interpreted otherwise.
Complainant submits that Respondent has intentionally attempted to attract, for commercial gain, internet users by creating a likelihood of confusion with Complainant's LINDT and LINDT EXCELLENCE marks. As noted above the disputed domain name resolves to a site displaying content copied from an unrelated Chinese fire safety company. This content has no connection whatsoever to Complainant or its business. The only plausible explanation for selecting a domain name composed of Complainant's LINDT and LINDT EXCELLENCE trademarks, together with the term "sweeps" (commonly understood as a reference to a sweepstakes promotion), is to create a misleading association with Complainant in order to attract internet users. Such use constitutes bad faith.

Respondent
No administratively compliant Response has been filed.

RIGHTS

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 Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

Complainant has, to the satisfaction of the Panel, shown 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

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

In the opinion of the Panel the disputed domain name is confusingly similar to Complainant's trademark. Many UDRP decisions have found that a disputed domain name is identical or confusingly similar to a complainant's trademark where the disputed domain name incorporates the complainant's trademark or the principal part thereof in its entirety or where a disputed domain name consists of a common, obvious or intentional misspelling of a trademark. Complainant has established that it is the owner of trademark registrations for LINDT and LINDT EXCELLENCE. The disputed domain name incorporates the entirety of the well-known LINDT and LINDT EXCELLENCE trademarks as its distinctive element. The addition of the common and descriptive term "sweeps" in the disputed domain name is insufficient to avoid a finding of confusing similarity as the LINDT and LINDT EXCELLENCE trademarks remain the dominant component of the disputed domain name.

The top-level domain "com" in the disputed domain name may be disregarded. The Panel notes that Complainant's registration of its trademark predates the creation date of the disputed domain name.

In the opinion of the Panel Complainant has made a prima facie case that Respondent lacks rights or legitimate interest in the disputed domain name. Complainant has not licensed or otherwise permitted Respondent to use its trademarks or to register the disputed domain name incorporating its marks. Respondent is not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademarks of Complainant. Respondent is not commonly known by the disputed domain name nor has it acquired trademark rights. Complainant has no relationship with Respondent.

The top-level domain "com" in the disputed domain name may be disregarded. The Panel notes that Complainant's registration of its trademark predates the creation date of the disputed domain name.

Respondent did not submit any response and Respondent has not rebutted Complainant's prima facie case. Under these circumstances, the Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

The Panel finds that the disputed domain name has been registered and is being used in bad faith. Complainant has rights in the LINDT and LINDT EXCELLENCE trademarks. Respondent should have known that the registration of the disputed domain name includes the entirety of Complainant's well-known LINDT and LINDT EXCELLENCE marks.

The Panel notes that the disputed domain name resolves to a site displaying content copied from an unrelated Chinese fire safety company. The Panel also notes that Respondent's use of the disputed domain name indicates that Respondent registered the disputed domain name with the intention to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the trademarks of Complainant as to the source, sponsorship, affiliation, or endorsement of its website or location or of a service on its website or location, which constitutes registration and use in bad faith in a similar manner to that provided under paragraph 4(b)(iv) of the Policy.

The Panel concludes that Complainant has proven that the disputed domain name has been registered and is being used in bad faith and paragraph 4(a)(iii) of the Policy has been satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **lindtexcellencesweeps.com**: Transferred

PANELLISTS

Name	**Dinant T.L. Oosterbaan**

DATE OF PANEL DECISION 2025-07-04