Decision for dispute CAC-UDRP-107797

Case number	CAC-UDRP-107797
Time of filing	2025-07-30 07:18:51
Domain names	lindtusa.shop, lindorsaleus.shop, lindtus.shop, superlindtsale.shop

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt &Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	tyhn dg

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 bases its Complaint among others on the following trademarks:

- International trademark registration “LINDOR”, no. 936943, registered on 27 July 2007, for goods and services in classes 06, 14, 16, 18, 21, 25, 28, 41;
- United States national trademark “LINDOR”, no. 1729638, registered on 3 November 1992, for goods in class 30;
- United States national trademark “LINDT”, no. 87306, registered on 9 July 1912, for goods in class 30;
- International trademark registration “LINDT”, no. 348017, registered since 30 August 1968, for goods in class 30.

FACTUAL BACKGROUND

Founded in 1845, the Complainant is a Swiss chocolatier and confectionery company. As a leader in the market for premium quality chocolate, the Complainant offers a large selection of products in more than 120 countries around the world. The products are made at the Complainant’s 12 production sites in Europe and the United States of America, being 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 884 million.

One of the Complainant's most successful products is its popular LINDOR chocolate. The recipe for the Lindor filling is a closely guarded secret.

The Complainant highlighted in its Complaint that the Unites States of America is the world's largest chocolate market and the Complainant's sales grew there in 2024 by 4.9% to USD 843 million. For the first time ever, the Complainant secured an advertisement placement in the Super Bowl, one of the biggest sporting events in the country, which reached a record-breaking 124 million viewers, significantly boosting brand awareness and sales.

The Complainant has an online presence through, inter alia, the domain name <lindtusa.com>, registered on October 11, 2001, which displays information about the Complainant and its activities in the United States of America.

The disputed domain names were registered as follows: <lindtusa.shop> was registered on 26 June 2025, <lindorsaleus.shop> was registered on 26 June 2025, <lindtus.shop> was registered on 3 July 2025, <superlindtsale.shop> was registered on 23 June 2025, being at the time of the decision inactive, but previously resolved to websites in English language, in which the Complainant's LINDT and LINDOR marks were reproduced on top and where LINDT and LINDOR-branded goods, amongst others, were purportedly offered for sale, without any note, information or disclaimer in a prominent manner pointing out that the owner of the websites had no relationship with the Complainant.

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.

The Complainant's contentions are the following:

The Complainant contends that the requirements of the Policy have been met and that the disputed domain names should be transferred to it. The disputed domain names <lindtusa.shop>, <lindorsaleus.shop>, <lindtus.shop> and <superlindtsale.shop> are confusingly similar to the Complainant's earlier well-known trademarks LINDT and LINDOR, that the Respondent lacks rights or legitimate interests in the disputed domain names for a number of reasons and that the disputed domain names were registered and are being used in bad faith.

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.

PRINCIPAL REASONS FOR THE DECISION

1. Confusing Similarity

The Panel agrees that the disputed domain name <lindtusa.shop>, <lindorsaleus.shop>, <lindtus.shop> and <superlindtsale.shop> are confusingly similar to the Complainant's earlier well-known trademarks LINDT and LINDOR. The disputed domain names incorporate entirely the Complainant's earlier LINDT and LINDOR trademarks and the addition of the generic terms "sale" and "super" as well as of the geographical terms "usa" and "us" which could refer to the Complainant's activity and locations under the trademarks LINDT and LINDOR are not sufficient to escape the finding that the domain names are confusingly similar to the Complainant's trademarks and it does not change the overall impression of the designations as being connected to the trademarks LINDT and LINDOR.

Moreover, the extension ".shop" is not to be taken into consideration when examining the similarity between the Complainant's trademarks and the disputed domain names (WIPO Case No. D2005-0016, Accor v. Noldc Inc.). The mere adjunction of a gTLD such as ".shop" is irrelevant as it is well established that the generic Top Level Domain is insufficient to avoid a finding of confusing similarity (WIPO Case No. 2013-0820, L'Oréal v Tina Smith, WIPO Case No. D2008-0820 Titoni AG v Runxin Wang and WIPO Case No. D2009-0877, Alstom v. Itete Peru S.A.).

Therefore, the Panel is satisfied that the first condition under the Policy is met.

2.Lack of Respondent's rights or legitimate interests

The Complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. Once such prima facie case is made, the burden of proof shifts to the respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the disputed domain names. If the respondent fails to come forward with such appropriate allegations or evidence, a complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy.

Based on the available evidence, the Respondent does not appear to be known by the disputed domain names as such is not identified in the WHOIS database as the disputed domain names, not that such has trademarks corresponding to the terms "lindtusa", "lindorsale", "lindtus", "superlindtsale".

No license nor authorization has been granted by the Complainant to the Respondent to make any use of the Complainant's trademarks LINDT and LINDOR, or to apply for registration of the disputed domain names.

According to the evidence available in the file, no relationship exists between the Respondent with the Complainant.

At the time of the decision, the disputed domain names were inactive, but, based on the evidence available in the file, previously resolved to websites in English language, in which the Complainant's LINDT and LINDOR marks were reproduced on top and where LINDT and LINDOR-branded goods, amongst others, were purportedly offered for sale with a substantial discount, without any note, information or disclaimer in a prominent manner pointing out that the owner of the websites had no relationship with the Complainant. The websites also offered for sale chocolates manufactured by some of the Complainant's competitors, under the brands HERSHEY'S, GODIVA or LUGANO, and included the copyright notices "© 2025LINDOR" or "2025@LINDT".

The Respondent had an opportunity to comment on the Complaint's allegations by filing a Response, which the Respondent failed to do.

All the above do not amount to a bona fide offering of goods or services, or to a legitimate noncommercial or fair use of the disputed domain names.

Thus, the Panel is satisfied that the Complainant has at least established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names.

Accordingly, the Panel takes the view that also the second requirement under the Policy is met.

3. Bad Faith

The Complainant's trademarks LINDT and LINDOR predate the registration date of the disputed domain names and are well-known trademarks. The Respondent has chosen to register the disputed domain names which incorporate entirely the Complainant's earlier LINDT and LINDOR trademarks with the addition of the generic terms "sale" and "super" as well as of the geographical terms "usa" and "us" which could refer to the Complainant's activity and locations under the trademarks LINDT and LINDOR, in order to create a confusion with such trademarks. Therefore, the Panel concludes that at the time of registration of the disputed domain names, the Respondent was well aware of the Complainant's trademarks and has intentionally registered the disputed domain names in order to benefit from the distinctive character of the Complainant's trademarks.

In the present case, the following factors should be considered:

- the Complainant's LINDT and LINDOR trademarks predate the registration date of the disputed domain names, being well-known trademarks with a high distinctive character;
- the Respondent failed to submit any response and has not provided any evidence of actual or contemplated good faith use of the disputed domain names;
- the Respondent registered the disputed domain names which include in its entirety the Complainant's earlier LINDT and LINDOR trademarks with the addition of the generic terms "sale" and "super" as well as of the geographical terms "usa" and "us" which could refer to the Complainant's activity and locations under the trademarks LINDT and LINDOR;

- the disputed domain names were inactive at the time of the decision, but previously resolved to websites in English language, in which the Complainant's LINDT and LINDOR marks were reproduced on top and where LINDT and LINDOR-branded goods, amongst others, were purportedly offered for sale with a substantial discount, without any note, information or disclaimer in a prominent manner pointing out that the owner of the websites had no relationship with the Complainant. The websites also offered for sale chocolates manufactured by some of the Complainant's competitors, under the brands HERSHEY'S, GODIVA or LUGANO, and included the copyright notices "© 2025LINDOR" or "2025@LINDT". Moreover, as per the evidence available in the file, the Respondent created and used in the past the e-mail addresses "customer@lindorsaleus.shop", "customer@lindtus.shop". "customer@lindtusa.shop" and "customer@superlindtsale.shop" as contact information in the webistes hosted by the disputed domain names; and
- any good faith use of the disputed domain names would be implausible, as the trademarks LINDT and LINDOR are univocally linked to the Complainant and the Respondent does not seem to have any relationship with the Complainant, nor was ever authorised to use domain names confusingly similar to the Complainant's trademarks.

In light of the foregoing, the Panel concludes that the Respondent has registered and has been using the disputed domain names in bad faith. Thus, also the third and last condition under the Policy is satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lindtusa.shop**: Transferred
2. **lindorsaleus.shop**: Transferred
3. **lindtus.shop**: Transferred
4. **superlindtsale.shop**: Transferred

PANELLISTS

Name	**Delia-Mihaela Belciu**

DATE OF PANEL DECISION 2025-09-08

Publish the Decision