Decision for dispute CAC-UDRP-107798

Case number	CAC-UDRP-107798
Time of filing	2025-07-31 19:15:30
Domain names	lindtbr.site

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Chocoladefabriken Lindt &Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	James Bonde

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 owns numerous worldwide registrations for the word mark “LINDT” in International Class 30 including, inter alia, U.S. Trademark Reg. No. 87306 (registered July 9, 1912), European Union Trademark No. 134007 (registered September 7, 1998), and Brazilian Trademark Reg. No. 812320441 (registered October 24, 1989) (collectively, the “LINDT Trademark”).

FACTUAL BACKGROUND

The Complainant is a Swiss chocolate manufacturer established in 1845, with products sold in more than 120 countries worldwide, including Brazil, where the Respondent is located. In Brazil, the Complainant recorded significant organic sales growth of 17.7% in 2024.

The Complainant owns the domain name <lindt.com.br>, registered on 3 March 2009, which hosts an active website offering its chocolate products.

The disputed domain name <lindtbr.site> was registered on 6 April 2025.

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).

The Complainant has established that it is the rightful owner of multiple trademark registrations for the word "LINDT," including in the United States, the European Union, and Brazil. The Panel finds that the Complainant's LINDT Trademark is clearly recognizable within the disputed domain name. The mere addition of the geographic abbreviation "br," referring to Brazil, does not prevent a finding of confusing similarity with the Complainant's mark under the first element of the UDRP (see WIPO Overview 3.0, section 1.8).

Furthermore, the inclusion of the generic Top-Level Domain ("gTLD") ".site" is a standard technical requirement of domain registration and is disregarded when assessing identity or confusing similarity (see Rollerblade, Inc. v. Chris McCrady, WIPO Case No. D2000-0429).

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).

A complainant is required to establish a prima facie case that the respondent lacks rights or legitimate interests. Once such a case is made, the burden of proof shifts to the respondent to demonstrate their rights or legitimate interests in the disputed domain name. Failure to do so results in the complainant satisfying paragraph 4(a)(ii) of the Policy (as per Article 2.1 of WIPO Jurisprudential Overview 3.0 and WIPO Case No. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

Based on the contentions of the Complainant, the panel finds that the Complainant has successfully established a prima facie case that the Respondent lacks rights or legitimate interests. As the Respondent has failed to provide relevant evidence demonstrating any such rights or legitimate interests, the Complainant is deemed to have satisfied the second element.

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).

Registration in bad faith

In assessing whether the disputed domain name was registered in bad faith, the Panel considered the following factors:

(a) Reputation of the LINDT Trademark. The Complainant has demonstrated that the LINDT Trademark is well known and enjoys substantial international recognition, particularly in connection with chocolate products. To support this claim, the Complainant cited several UDRP decisions acknowledging the mark's notoriety, including CAC-UDRP-106521 concerning the domain name lindtbr.shop. The Panel notes that prior UDRP decisions may be taken into account when evaluating a mark's fame, particularly where the facts and parties are substantially similar. Consistent with Section 4.1 of the WIPO Overview 3.0, the Panel finds such precedent both relevant and persuasive.

(b) Longstanding Trademark Registrations. The Complainant's LINDT Trademark has been registered long before the disputed domain name, including in the United States since 1912, whereas the disputed domain name was registered only in 2025.

(c) Presence and Use in Brazil. The Respondent is domiciled in Brazil, where the LINDT Trademark is also registered and actively used. Given the mark's fame, long-standing registrations, and commercial presence in Brazil, it is implausible that the Respondent was unaware of the Complainant's rights when registering the disputed domain name.

Taking these factors together, the Panel concludes that the Respondent registered the disputed domain name with knowledge of the Complainant's well-known trademark and with the intention of exploiting its reputation. The incorporation of the LINDT Trademark in its entirety, combined with the geographically descriptive term "br," reinforces the inference of bad-faith registration. Accordingly, the Panel finds that the disputed domain name was registered in bad faith.

Use in bad faith

The disputed domain name incorporates the Complainant's LINDT Trademark in its entirety, creating the false impression of affiliation with the Complainant's goods and giving rise to a likelihood of confusion.

No active website operates under the disputed domain name. Instead, it merely displays a notice that the associated Shopify store does not exist. The Panel therefore considered whether the Respondent's passive holding of the disputed domain name constitutes bad-faith use. Under the "passive holding" doctrine, as summarized in the WIPO Overview 3.0, the mere non-use of a domain name does not preclude a finding of bad faith.

Factors considered relevant in applying the passive holding doctrine include (i) the degree of distinctiveness or reputation of the complainant's mark; (ii) the respondent's failure to file a response or to provide evidence of actual or intended good faith use; (iii) the respondent's concealment of its identity or use of false contact information (in violation of its registration agreement); and (iv) the implausibility of any good faith use to which the domain name might be put (see also Telstra Corporation Limited vs. Nuclear Marshmallows, WIPO Case No. D2000-0003, <telstra.org>).

In this case, the Complainant has demonstrated the international reputation of its LINDT Trademark. The Respondent has submitted no response and offered no evidence of good-faith use.

Significantly, the Panel verified that MX records have been configured for the disputed domain name. An MX record specifies the mail server responsible for receiving email for a domain (see CKM Holdings Inc. v. Grant Chonko, Genesis Biosciences, WIPO Case No. D2022-0479). Assigning MX records is unnecessary unless the registrant intends to enable email functionality. The activation of such records therefore suggests preparations to use the domain for email communications, raising a risk of misrepresentation, phishing, or spamming.

Considering the totality of these circumstances—the notoriety of the LINDT Trademark, the Respondent's silence, the absence of any plausible good-faith use, and the activation of MX records—the Panel concludes that the disputed domain name is being used in bad faith.

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

The Panel finds that the Complainant has proven all three elements required under paragraph 4(a) of the UDRP.The Complainant owns long-standing worldwide registrations for the LINDT Trademark, including in the United States (since 1912), the European Union, and Brazil. The disputed domain name <lindtbr.site> incorporates the LINDT mark in full; adding the geographic term "br" and the ".site" gTLD does not prevent confusing similarity.

The Respondent has no rights or legitimate interests. The Complainant made a prima facie case, and the Respondent provided no evidence of any bona fide use or other rights.

The LINDT mark is well known internationally and in Brazil, where the Respondent is located. The domain was registered in 2025, long after the Complainant's registrations. Non-use of the disputed domain name, coupled with configured MX records enabling email, supports a finding of bad-faith registration and use under the passive holding doctrine. Accordingly, the Panel ordered the transfer of the disputed domain name to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lindtbr.site**: Transferred

PANELLISTS

Name	**Karel Šindelka**

DATE OF PANEL DECISION 2025-09-14