Decision for dispute CAC-UDRP-107863

Case number	CAC-UDRP-107863
Time of filing	2025-08-25 17:39:46
Domain names	lindttusa.com, lindtusaa.com, lindtussa.com, lindtuusa.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	Zhichao N/A

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 is the owner of various LINDT trademark registrations, including the following:

- LINDT (word mark), European Union trademark registration No. 000134007, registered on September 7, 1998 for goods in class 30;

- LINDT (figurative mark), International trademark registration No. 576529, registered on September 10, 1991, for goods in class 30, designating China and Russia;

- LINDT (word mark), United States of America (US) trademark registration No. 87306, registered on July 9, 1912, claiming a date of first use in commerce of 1879, for goods in class 30.

The Complainant is also the owner of the domain name <lindtusa.com>, registered on October 11, 2001.

FACTUAL BACKGROUND

The Complainant is a Swiss chocolatier and confectionery company founded in 1845, which offers a large selection of products in more than 120 countries around the world. The Complainant operates 12 production sites in Europe and the US, and distributes its

products through 36 subsidiaries and branch offices in more than 500 proprietors' shops worldwide, as well as 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. The US is the world's largest chocolate market and the Complainant's sales grew there in 2024 by 4.9% to USD 843 million. Besides, 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.

The disputed domain names were registered by a Chinese individual, allegedly located in China, between July 1 and July 2, 2025, using a privacy service provider. The disputed domain names redirect to the website hosted under the Complainant's domain name <lindtusa.com>. On July 21, 2025, the Respondent set up Mail exchanges ("MX records") for the disputed domain names. On July 22, 2025 the Complainant sent a cease and desist letter to the Respondent, which remained unanswered despite a reminder sent on July 31, 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.

In particular, the Complainant contends that the disputed domain names are confusingly similar to the Complainant's LINDT mark as they fully reproduce this mark followed by the elements "tusa", "usaa", "ussa" and "uusa" respectively, which cannot prevent a finding of confusing similarity due to the fact that the Complainant's mark is well recognizable in the disputed domain names. Moreover, the disputed domain names are confusingly similar to the Complainant's domain name <lindtusa.com>except for the addition of one letter in each of the disputed domain names.

The Complainant further contends that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent is not an affiliate of the Complainant, nor is it otherwise connected with the Complainant. The Respondent has not received any licence or consent to use the LINDT mark for any reason or in any manner, including as part of the disputed domain names. The Respondent does not appear to be commonly known by the disputed domain names. The Respondent does not own any trademarks corresponding to the terms "lindttusa", "lindtusaa", "lindtussa", or "lindtuusa". The Complainant also considers that the Respondent has not used the disputed domain names in good faith or for a noncommercial activity. The disputed domain names redirect in an unauthorized manner to the website hosted under the Complainant's domain name <lindtusa.com>, which does not amount to a legitimate noncommercial or fair use under the Policy and cannot confer rights or legitimate interests in the disputed domain names.

Finally, the Complainant maintains that the disputed domain names were registered and are being used in bad faith. According to the Complainant, the LINDT mark enjoys an extensive reputation. The Complainant's mark has been registered and used long before the Respondent registered the disputed domain names. Moreover, since 2001, the Complainant has owned the domain name <lindtusa.com>, which is almost identical to the Respondent's disputed domain names. The disputed domain names redirect to the Complainant's website at "www.lindtusa.com". Accordingly, it is implausible that the Respondent was unaware of the disputed domain names at the time of their registration. Rather, it is clear that the Respondent knew the Complainant and its well-known LINDT mark and registered the disputed domain names in bad faith.

As far as use in bad faith is concerned, the Complainant points out that the disputed domain names redirect in an unauthorized manner to the website hosted under the Complainant's domain name <lindtusa.com>. Internet users are likely to consider the dispute domain names as in some way endorsed by or connected with the Complainant, which amounts to bad faith use. Moreover, the disputed domain names are almost identical to the Complainant's domain name <lindtusa.com>, except for the addition of one letter in each of the disputed domain names. Typosquatting itself is evidence of relevant bad faith registration and use and indicates the Respondent had knowledge of the Complainant and intended to capitalize on potential typing or reading errors by Internet users.

Further evidence of bad faith lies in the fact that the Respondent has used a privacy service provider when registering the disputed domain names, and that it has set up MX records for the disputed domain names right after their registration, most probably to create email addresses under the disputed domain names and send unauthorised emails to third parties.

No administratively compliant Response has been filed.

RIGHTS

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).

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

I. Confusing Similarity

The Panel finds that the disputed domain names are confusingly similar to the Complainant's LINDT mark as they incorporate it entirely, followed by misspellings of the geographical term "USA". The Complainant's mark is well recognizable within the disputed domain names, and the addition of the other elements cannot prevent a finding of confusing similarity. Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The nature of such additional term(s) may, however bear on the assessment of the second and third elements. See section 1.8 of the third edition of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions (hereinafter, the "WIPO Overview 3.0").

The Panel is therefore satisfied that the first requirement under the Policy is met.

II. Lack of Rights and Legitimate Interests

As also confirmed by section 2.1 of the WIPO Overview 3.0, a complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. Once such a prima facie case is made, the burden of production shifts to the respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the domain name. 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 UDRP.

Based on the available evidence, the Respondent does not appear to be known by the disputed domain names. The Respondent is not an affiliate or licensee of the Complainant, nor was it authorised by the Complainant to make use of the LINDT mark in any manner, including as part of the disputed domain names

The nature of the disputed domain names, which incorporate the LINDT mark followed by misspellings of the geographical term "USA", which, however, do not affect the perception of that term, suggests sponsorship or endorsement by the Complainant (Section 2.5.1. of the WIPO Overview 3.0). Indeed, Internet users looking for the Complainant's website in the US could believe that the disputed domain names belong to the Complainant. This is even more so considering that the disputed domain names resolve to the Complainant's website hosted under the domain name <lindtusa.com>, which is almost identical to the disputed domain names. Accordingly, the disputed domain names are intentional misspellings of the Complainant's domain name <lindtusa.com>.

Moreover, the Respondent has set up MX records for the disputed domain names, thus allowing the sending of email communications through the disputed domain names. In the Panel's view, the registration of the disputed domain names, confusingly similar to the Complainant's LINDT mark and to the Complainant's domain name <lindtusa.com>, and the configuration of MX records for these domain names suggest that the Respondent did not intend to use the disputed domain names in connection with a legitimate noncommercial or fair use without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's mark.

Considering the above, the Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The burden of proof now shifts to the Respondent to prove that, instead, it owns rights or legitimate interests in the disputed domain names. However, the Respondent has chosen not to file a Response in this UDRP proceeding and accordingly has failed to discharge its burden of proof.

Accordingly, the Panel finds that the second requirement under the Policy is met.

III. Bad Faith

The Panel agrees with the Complainant that the LINDT trademark is distinctive and enjoys extensive reputation in connection with chocolate products. The reputation of the LINDT mark has already been recognized by other UDRP panelists.

The Panel also agrees with the Complainant that the Respondent was aware of the Complainant's mark at the time of the registration of the disputed domain names. This is made clear by the fact that the disputed domain names fully incorporate the LINDT mark, followed by misspellings of the geographical term "USA", which designates a country where the Complainant is heavily present. The disputed domain names are also misspellings of the Complainant's domain name <lindtusa.com>, which resolves to the Complainant's website targeting US consumers, and redirects to this website.

The registration of a domain name incorporating a third party's well-known trademark being aware of such mark and without rights or legitimate interests, amounts to registration in bad faith.

With regard to bad faith use, as mentioned above, the disputed domain names redirect to the Complainant's website at “www.lindtusa.com,” which indicates a clear intention on the part of the Respondent to impersonate the Complainant or at least suggest that the disputed domain names are sponsored or endorsed by the Complainant. Furthermore, a few days after their registration, the Respondent set up MX records for the disputed domain names, suggesting preparations to use the disputed domain names for email communications, presumably for some fraudulent purpose. The redirection to the Complainant's website lends greater credibility to the disputed domain names thus increasing the risk of deception in the emails that the Respondent intended to send through the disputed domain names.

In light of all the circumstances outlined above, the Panel finds that the disputed domain names have been used in bad faith.

Further evidence of bad faith lies in the fact that the Respondent used a privacy service provider to conceal its identity when registering the disputed domain names, thereby hampering and delaying the Complainant's exercise of its rights, and failed to respond to the Complainant's cease and desist letter requesting the immediate transfer of the disputed domain names.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lindttusa.com**: Transferred
2. **lindtusaa.com**: Transferred
3. **lindtussa.com**: Transferred
4. **lindtuusa.com**: Transferred

PANELLISTS

Name	**Angelica Lodigiani**

DATE OF PANEL DECISION 2025-10-01

Publish the Decision