Decision for dispute CAC-UDRP-107919

Case number	CAC-UDRP-107919
Time of filing	2025-09-08 11:17:29
Domain names	lindorsales.shop

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	userdc dger

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 owns numerous trademarks for the word "LINDOR", including US trademark registration no. 1729638 for "LINDOR", which was registered on 3 November 1992 for "chocolate" in class 30 (hereinafter referred to as the "Trademark").

FACTUAL BACKGROUND

The Complainant, was founded in 1845 and is a renown Swiss chocolate maker. It produces chocolate at 12 own production sites across Europe and the United States. With around 15,000 employees, the Complainant reported sales of CHF 5.47 billion in 2024.

One of the Complainant’s most successful product lines is the LINDOR range of chocolate truffles, first introduced in 1949, which has grown to become a flagship brand for the Complainant worldwide. Today, over 7 billion LINDOR truffles are produced annually in more than 35 flavours.

The disputed domain name was registered on 23 July 2025 and redirects to a website offering chocolate and sweets, including products from third parties.

PARTIES CONTENTIONS

Complainant:

The Complainant argues that the disputed domain name is confusingly similar to the Trademark, as it comprises the Trademark in full. and as the Trademark is clearly recognisable in the disputed domain name despite the additional term "sales".

Furthermore, the Complainant asserts that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainant contends that the Respondent does not hold trademark rights for, nor is commonly known by, the disputed domain name or any similar term; that the Respondent is not connected to, nor affiliated with, the Complainant; that the Respondent has not received a licence or consent to use the Trademark in any way; and 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 for any legitimate non-commercial or fair use. Regarding the Respondent's website, the Complainant argues that it prominently displayed the Trademark and associated product images while purporting to sell discounted LINDOR chocolates. However, the website also advertised other discounted chocolates, including goods from other brands owned by the Complainant, as well as products from third-party companies that are not connected to the Complainant. The Respondent falsely claimed copyright ownership under the LINDOR name and listed a fictitious contact address in Chicago, United States, that does not exist. Furthermore, the Respondent did not disclaim its lack of affiliation with the Complainant. The Complainant contends that using a domain name for illegal activities, such as phishing or impersonation, can never establish rights or legitimate interests.

Lastly, the Complainant contends that the disputed domain name was registered and is being used in bad faith. Regarding bad faith registration, the Complainant asserts that its LINDOR brand, launched in 1949, is promoted globally via official, country-specific websites and is widely recognised as one of the Complainant's most successful chocolate creations, a status that has already been recognised by previous UDRP panels. The Complainant states that the fact that the disputed domain name deliberately targets the Complainant’s LINDOR brand, and the fact that the Respondent's website purports to sell discounted LINDOR chocolates, are clear evidence that the disputed domain name was registered in bad faith.

As to bad faith use, the Complainant contends that the fact that the Respondent's website prominently displayed the Trademark and associated product images, and presented itself as a sales platform for discounted LINDOR chocolates, while also featuring other brands owned by the Complainant and even third-party chocolates, demonstrates that the disputed domain name has been used to attract internet users for commercial gain by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the website under paragraph 4(b)(iv) of the Policy. The Complainant also points to the fact that the Respondent has an established cybersquatting history and that its identity appears in at least two recent UDRP decisions.

Respondent:

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).

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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

(i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

1. The Panel accepts that the disputed domain name is confusingly similar to the Trademark. The addition of the generic term “sales” does not prevent a finding of confusing similarity, as the Trademark is clearly recognisable in the disputed domain name.

2. The Complainant has substantiated that the Respondent has no rights or legitimate interests in the disputed domain name. The Panel therefore finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent did not dispute these assertions in any way and, therefore, failed to prove any rights or legitimate interests in the disputed domain name. Based on the evidence on file, the Panel cannot identify any rights or legitimate interests of the Respondent either, as the disputed domain name is not generic and the Respondent's use of the disputed domain name does not appear to indicate the existence of any rights or legitimate interests of its own. In particular, the Respondent’s website includes third parties' products and does not include any kind of disclaimer to clarify that the website is not endorsed or sponsored by the Complainant. Therefore, even if the products offered at the disputed domain name are assumed to be original products, the website does not meet the Oki Data criteria. Accordingly, the Panel finds that the Complainant has proven that the Respondent has no rights or legitimate interests in respect of the disputed domain name under paragraphs 4(a)(ii) and 4(c) of the Policy.

3. The Panel is convinced that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademark. This finding is supported by the fact that the Trademark has been well established for decades, and that Respondent refers to the Complainant and offers several of the Complainant's products for sale. Regarding bad faith use, by using the disputed domain name in connection with an online store offering inter alia competing products for sale, the Respondent was, in all likelihood, trying to divert traffic intended for the Complainant’s website to its own for commercial gain as set out under paragraph 4(b)(iv) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lindorsales.shop**: Transferred

PANELLISTS

Name	**Peter Müller**

DATE OF PANEL DECISION 2025-10-04

Publish the Decision