Decision for dispute CAC-UDRP-108094

Case number	CAC-UDRP-108094
Time of filing	2025-10-31 10:40:13
Domain names	lindtusa-online.shop

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Organization	/ lin zhibing

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 is the owner of the following “LINDT” trademarks:

Jurisdiction	Registration number	Mark type	Registration date	Classes	Countries
International (Madrid)	839883	Device mark	July 22, 2004	35, 43	Includes China and Japan
European Union trademark	000134007	Word mark	September 7, 1998	30	European Union
International (Madrid)	576529	Device mark	September 10, 1991	30	Includes China and Russia

United Kingdom	UK00000551197	Device mark	May 17, 1934	30	United Kingdom
United States	87306	Word mark	July 9, 1912	30	United States

The Complainant also asserts the following rights in respect of the following domain names:

Domain name	Registration date
<lindt.com>	December 16, 1997
<lindusa.com>	October 11, 2001

FACTUAL BACKGROUND

The Complainant is a Swiss company. It was established in 1845 and is a Swiss chocolatier and confectionery company known for its premium-quality chocolate products. Its products are sold in over 120 countries worldwide, marketed under various brands, including LINDT. The "LINDT" trademark has been registered since 1912.

According to the Complainant, it is a market leader in premium-quality chocolate with extensive global operations, including multiple production facilities in Europe and the United States, dozens of subsidiaries and branch offices, and a substantial network of own retail stores and independent distributors.

It employs approximately 15,000 people worldwide and generated sales of approximately CHF 5.47 billion and an operating profit of about CHF 884 million in 2024.

The United States is the world's largest chocolate market, and the Complainant's sales are particularly strong and growing, supported by a recent Super Bowl advertisement that significantly increased brand visibility and consumer demand for its products.

The disputed domain name <lindtusa-online.shop > was registered on October 8, 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 shown rights in respect of its trademark registrations for the purposes of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("WIPO Overview 3.0"), section 1.2.1.

The test for determining confusing similarity is a relatively straightforward exercise. Essentially, the approach is to conduct a side-by-side comparison with the disputed domain name. See F. Hoffmann-La Roche AG v. P Martin, WIPO Case No. D2009-0323. WIPO Overview 3.0, section 1.7.

A disputed domain name is identical to a complainant's registered trademark when it is a character-for-character match. It is

confusingly similar when it varies the trademark by, for example, adding generic terms to the dominant part of the trademark.

It is also well established that a domain name that wholly incorporates a complainant's registered trademark may be sufficient to establish confusing similarity for UDRP purposes. See WIPO Case No. D2003-0888, Dr. Ing. h.c. F. Porsche AG v. Vasiliy Terkin.

Here, the disputed domain name incorporates in its entirety the Complainant's trademark "LINDT together with the additional terms "usa" and "online", a hyphen, and the gTLD ".shop". The "LINDT" trademark remains clearly recognisable within the disputed domain name.

The added terms "usa" and "online", as well as the hyphen, do not prevent a finding of confusing similarity because the "LINDT" trademark remains clearly recognisable, and the addition of descriptive or geographical wording is generally insufficient to dispel such similarity. WIPO Overview 3.0, section 1.8.

The addition of the gTLD ".shop" to the disputed domain name also does not add any distinctiveness to the disputed domain name and will be disregarded for the purposes of considering this ground. WIPO Overview 3.0, section 1.11.1.

Accordingly, the Panel considers that this ground is made out.

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).

The principles to guide the Panel's determination of this element are uncontroversial.

A complainant is required to make out a prima facie case that the respondent lacks rights or legitimate interests. See Croatia Airlines d.d. v. Modern Empire Internet Ltd, WIPO Case No. D2003-0455; Document Technologies, Inc. v. International Electronic Communications Inc., WIPO Case No. D2000-0270

Once such a prima facie case is made, the burden shifts to the respondent to demonstrate rights or legitimate interests in the domain name.

If the respondent fails to discharge the burden, paragraph 4(a)(ii) of the Policy is satisfied.

Here, the disputed domain name was registered well after the Complainant's trademark was registered. There is no evidence that the Respondent holds any trademark rights to the disputed domain name, nor is it known by the disputed domain name.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name for several reasons.

First, the Respondent is not a licensee and has received no consent, permission, or authorisation to use the "LINDT" trademark in connection with the domain name, nor is there any evidence that the Respondent owns relevant trademarks, is commonly known by "lindtusa-online", or is using the domain for a bona fide offering of goods or services or for a legitimate non-commercial or fair purpose.

Secondly, the Complainant asserts that the disputed domain name previously resolved to a website that prominently used the "LINDT" trademark, displayed LINDT-branded products at discounted prices, collected users' personal data, and included misleading indicia such as a "© 2025 Lindt & Sprüengli Inc." footer, thereby impersonating an official LINDT site. This conduct is said to fail the Oki Data test and, as impersonation and phishing-type activity, can never confer rights or legitimate interests under established UDRP precedent.

Thirdly, the Complainant notes that the domain is now passively held following a takedown request, which does not amount to a bona fide offering or legitimate non-commercial use, and emphasises that the combination of the "LINDT" trademark with the geographic and descriptive terms "usa" and "online" serves only to suggest sponsorship or endorsement by the Complainant rather than any fair use.

The Panel accepts these unchallenged assertions.

The Respondent has not filed any administrative compliant response.

The Panel, therefore, finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie case and has not put forward any relevant evidence of its use, or of demonstrable preparation to use, the disputed domain name in connection with a bona fide offering of goods or services.

Accordingly, the Panel finds this ground made out.

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).

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances, if found to be present, as evidence of registration and use of a domain name in bad faith.

The evidence shows that the Complainant's trademark is well known and has a worldwide reputation developed through its international network of retailers, including in China. It also shows that the Complainant has a strong online presence via its official website.

The Complainant makes the following contentions:

Firstly, the disputed domain name wholly reproduces the Complainant's well-known "LINDT" trademark without authorisation and was registered long after the Complainant secured its international trademark portfolio (including in China) and registered its own domain names such as <lindt.com> and <lindtusa.com>.

Given its worldwide reputation and long-standing use of the "LINDT" trademark, the Complainant asserts that it is implausible that the Respondent was unaware of its rights and contends that the disputed domain name was chosen with knowledge of the Complainant's trademark and with the intention of profiting from the confusion.

Secondly, the disputed domain name was used for a website that prominently displayed the "LINDT" trademark, offered LINDT-branded products at discounted prices, collected users' personal data, and included a false "© 2025 Lindt & Sprüengli Inc." notice, all without any disclaimer, thereby impersonating an official LINDT site and attracting users for commercial gain by creating a likelihood of confusion as to source, sponsorship, affiliation, or endorsement.

The Complainant characterises this conduct as impersonation and phishing-type activity, which UDRP panels consistently regard as evidence of bad faith registration and use and for which no good-faith purpose is conceivable.

Thirdly, although the disputed domain name is currently inactive following the Complainant's takedown request, the Complainant relies on the doctrine of passive holding, arguing that non-use does not prevent a finding of bad faith where, as here, the mark is well known, there is no plausible legitimate use, and there is a history of deceptive use of the disputed domain name.

Given the evidence adduced of the Complainant's rights arising from its trademark registration, its ownership of domain names incorporating its trademark, and its worldwide reputation among consumers, the Panel accepts the Complainant's contention that the Respondent registered the disputed domain name with knowledge or awareness of the Complainant's reputation and trademark rights.

Further, the Panel finds that the Respondent, an unaffiliated party to the Complainant, not only registered a domain name that is confusingly similar to the Complainant's "LINDT" trademark but it is using the disputed domain name with the apparent intent to exploit consumer recognition of the Complainant's brand in the "LINDT" trademark.

The Panel is also satisfied that the Respondent is now holding the disputed domain name passively for a purpose other than a bona fide offering of goods and services. There is no evidence of any use or fair use, or attempted use of the disputed domain name that is legitimate and non-commercial.

Given the Respondent's failure to file any administrative compliant response, the Panel finds that the Respondent's conduct amounts to bad faith in contravention of paragraph 4(b)(iv).

The Panel, therefore, finds that the disputed domain name was registered by the Respondent and used in bad faith.

Accordingly, the Panel finds this ground made out.

PROCEDURAL FACTORS

Language of the proceedings

The Complainant requests that the proceedings be in English, despite the language of the Registration Agreement for the disputed domain name being in Chinese.

Rule 11 provides that, unless otherwise agreed to by the Parties or specified otherwise in the Registration Agreement, the language of the administrative proceedings shall be the language of the Registration Agreement, subject to the authority of the Panel to determine otherwise having regard to the circumstances of the administrative proceedings.

The Complainant asserts that the composition of the domain name in Latin characters, including the English terms "online" and "USA", together with the fact that the associated website previously appeared in English, shows that the Respondent can understand English and deliberately targeted an English-speaking audience.

The Complainant further asserts that it is based in Switzerland, with its representative located in Sweden, and that neither it nor its representative is proficient in Chinese, whereas both can communicate in English, which is widely used in international commerce

and dispute resolution.

The Complainant asserts that requiring Chinese for the proceeding would necessitate extensive translation, likely exceed the overall cost of the case and cause disproportionate delay and expense, contrary to the efficiency and fairness objectives in paragraphs 10(b) and 10(c) of the UDRP Rules.

The Panel accepts the Complainant's contention and finds that it would be disproportionate to require the Complainant to bear the costs of translation, which will likely further delay the proceedings.

As such, the Panel is prepared to draw the inference that the Respondent has apparent familiarity with the English language.

Further, the Panel considers that the CAC has taken reasonable steps to notify the Respondent of the administrative proceedings, to which there has been no administrative compliant response received from the Respondent.

Accordingly, the Panel will proceed to determine this proceeding in the English language.

Notification of proceedings to the Respondent

When forwarding a Complaint, including any annexes, electronically to the Respondent, paragraph 2 of the Rules states that CAC shall employ reasonably available means calculated to achieve actual notice to the Respondent.

Paragraphs 2(a)(i) to (iii) set out the sort of measures to be employed to discharge CAC's responsibility to achieve actual notice to the Respondent.

On December 2, 2025, the CAC by its non-standard communication stated as follows (omitting irrelevant parts):

"Please be aware that the CAC was not able to send the written notice to the Respondent as the address provided by the Registrar in Registrar verification does not exist. The postal service provider was not able to deliver a written notice to such address.

No other address for correspondence was found on the disputed domain name.

As far as the e-mail notice is concerned, we received a notification that the e-mail sent (in both English and Chinese) to postmaster@lindtusa-online.shop was returned back undelivered as the e-mail address had permanent fatal errors. The e-mail notice was also sent to 965328172@qq.com, but we did not receive any proof of delivery or notification of undelivery.

No further e-mail address could be found on the disputed site.

The Respondent never accessed the online platform."

Given the reasonable measures employed by CAC as set out in the above non-standard communication, 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 Complainant owns the international trademark "LINDT" as well as the domain names incorporating its trademark, namely <lindt.com> and <lindtusa.com>, which are used in connection with its goods and services.

The Respondent registered the disputed domain name on October 8, 2025, well after the Complainant established its rights in the "LINDT" trademark and its domain names.

The Complainant challenges the registration of the disputed domain name under paragraph 4(a) of the Uniform Domain Name Dispute Resolution Policy, seeking transfer of the disputed domain name.

The Respondent failed to file any administrative compliant response.

For the reasons articulated in the Panel's findings above, the Panel is satisfied that:

- The disputed domain name is confusingly similar to the Complainant's trademark "LINDT".
- The Respondent has no rights or legitimate interests in respect of the disputed domain name.
- The disputed domain name has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lindtusa-online.shop**: Transferred

PANELLISTS

Name	**William Lye OAM KC**

DATE OF PANEL DECISION 2025-12-14

Publish the Decision