Decision for dispute CAC-UDRP-108272

Case number	CAC-UDRP-108272
Time of filing	2025-12-19 11:02:17
Domain names	lindtxmas.shop, lindtxmas.store

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Organization	liu ting hong /

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 has provided evidence of its ownership of registered trademark rights in the trademark LINDT registered in numerous jurisdictions:

Germany: No. 91037, registered on 27/09/1906 in class 30;

United States: No. 87306, registered on 09/07/1912 in class 30;

Canada: No. UCA26258, registered on 17/10/1946 in class 30;

International: No. 217838, registered on 02/03/1959 in class 30;

Switzerland: No. 2P-349150, registered on 29/10/1986 in 30 and 32;

International: No. 622189, registered on 12/07/1994 in class 30;

Australia: No. 704669, registered on 14/03/1996 in class 30;

European Union: No. 000134007, registered on 07/09/1998 in classes 30;

International: No. 936939, registered on 27/07/2007 in classes 6, 14, 16, 18, 21, 25, 28, 41;

Brazil: No. 826413609, registered on 14/08/2007 in class 35.

The trademarks are still valid at present and their registration dates predate the registration date of the disputed domain names, <lindtxmas.shop> and <lindtxmas.store>, registered on November 15, 2025.

The Complainant also owns numerous domain names, including <lindt.com>, <lindt.ch>, <lindt.co.uk>, <lindt.se>, <lindt.com.nl>, <lindt.it>, <lindtusa.com>, <lindt.ca>, <lindt.com.br>, <lindt.jp>, <lindt.cn>, <lindt.com.au> and <lindt-spruengli.com>, which were registered before the registration dates of the disputed domain names.

FACTUAL BACKGROUND

A. Complainant's Factual Allegations

The Complainant, founded in 1845, is a well-known chocolate maker based in Switzerland. As a leader in the market of premium quality chocolate, the Complainant produces chocolates from 12 own production sites in Europe and the United States. These are sold by 38 subsidiaries and branch offices, as well as via a network of over 100 independent distributors around the globe. The Complainant also runs more than 500 of its own shops. With around 15,000 employees, the Complainant reported sales of CHF 5.47 billion in 2024.

B. Respondent's Factual Allegations

The Respondent has defaulted in this UDRP administrative proceeding and has consequently made no factual allegations. The Respondent is liu ting hong, based at the address of long gang, shen zhen shi, guang dong, Postcode 518116, China. The disputed domain names were registered on November 15, 2025 by the Respondent, as confirmed by the Registrar. The disputed domain names previously resolved to active websites, selling LINDT chocolates. At the time of filing of the Complaint, the disputed domain names were passively held.

PARTIES CONTENTIONS

A. COMPLAINANT

Language of the Proceedings

The Complaint is written in English. According to the registrar's verification response, the language of the registration agreement for the disputed domain names is Chinese. The Complainant submitted a request for English to be the language of this administrative proceeding on the following grounds: i) the Respondent registered the disputed domain names in Latin alphabet, which reflects the Complainant’s familiarity with English language; ii) the websites previously hosted by the disputed domain names were displayed in English language, further confirming his familiarity with English language; iii) the English language being commonly used internationally, it is fair to the Parties that the language be English; iii) a translation of the Complaint into Chinese will entail significant additional costs for the Complainant.

The Complainant's contentions can be summarized as follows:

I. The disputed domain names are identical or confusingly similar to a trade mark in which the Complainant has rights

The Complainant contends that it is the owner of the registered trademark LINDT in numerous jurisdictions as mentioned above in the IDENTIFICATION OF RIGHTS. The disputed domain names are confusingly similar to its registered trademark. The disputed domain names, <lindtxmas.shop> and <lindtxmas.store>, incorporate the Complainant’s LINDT trademark in its entirety with the addition of the term, “xmas”, a common abbreviation for “Christmas”. LINDT trademark remains clearly recognizable in the disputed domain names, and the addition of a non-distinctive term does not prevent a finding of confusing similarity under the first element. The Complainant also cites WIPO Overview 3.0, paragraph 1.7 to support its contention.

II. The Respondent has no rights or legitimate interests in respect of the disputed domain names

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain names on the grounds: i) the Respondent does not have trademark rights in LINDTXMAS; ii) the Respondent is not commonly known by LINDTXMAS; iii) the Respondent is not connected to nor affiliated with the Complainant and has not received license or consent to use LINDT trademark; iv) the Respondent has not used the disputed domain names for a bona fide offering of goods or services, nor for any legitimate non-commercial or fair use of the disputed domain names.

III. The Respondent registered and is using the disputed domain names in bad faith

Registration in bad faith

The Complainant submits that the Respondent registered the disputed domain names in bad faith on the grounds: i) LINDT

trademark is distinctive and well-known, which were acknowledged by previous UDRP panels; ii) by online search, the Respondent should have learnt about the Complainant and its trademark; iii) the Respondent has intentionally attempted to target the Complainant's mark and mislead internet users as to the source or affiliation. It therefore constitutes clear evidence that the disputed domain names were registered in bad faith.

Use in bad faith

The Complainant submits that the disputed domain names are being used in bad faith on the grounds: The disputed domain names previously resolved to websites, displaying the Complainant's LINDT trademark, featured images of LINDT-branded chocolates, falsely representing itself as an official LINDT entity. It is clear that the Respondent used the disputed domain names to attract Internet users for commercial gain by creating a likelihood of confusion regarding the source, sponsorship, affiliation, or endorsement of the websites. Currently the domain names are inactive. However, it does not prevent a finding of bad faith use under the doctrine of passive holding.

The Complainant contends that the requirements of the Policy have been met and that the disputed domain names should be transferred to it.

B. RESPONDENT

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 language of the registration agreement is Chinese. The Complainant has requested that the language of the proceedings be English. The Respondent did not respond to the issue of the language of the proceedings and did not reject the Complainant's request. The Panel is given discretion under Paragraph 11 of the Rules to determine the appropriate language of the administrative proceeding. Paragraph 10 of the Rules mentions that the Panel shall ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case.

Based on the following factors, the Panel has decided that it would be fair and equitable to both parties to have the language of the proceedings be English:

- The Complaint was written in English, an international language comprehensible to a wide range of internet users worldwide, including those living in Switzerland and in China;
- While determining the language of the administrative proceeding, the Panel has a duty to consider who would suffer the greatest inconvenience as a result of the Panel's determination. On the one hand, the determination of English as the language of this administrative proceeding – a widely spoken language – is unlikely to cause the Respondent any inconvenience. The determination of Chinese as the language of this administrative proceeding, on the other hand, is very likely to cause the Complainant inconvenience, and to interfere with the overall due expedition of the proceedings under the Rules. See case CAC-UDRP106643, Burberry Limited v Fei Cheng;
- The Complainant has requested that the language of the proceedings be English. The Respondent did not respond to reject the Complainant's request.

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

Paragraph 4(a) of the Policy provides that in order to be entitled to a transfer of the domain name; the complainant shall prove the following three elements:

(i) The domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights;

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

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

Based on the above regulations under the Policy, what the Panel needs to do is to find out whether each and all of the above-mentioned elements are established. If all three elements are established, the Panel will make a decision in favor of the Complainant. If the three elements are not established, the claims by the Complainant shall be rejected.

The Respondent did not submit a Response of any argument against what the Complainant claimed and to show his intention to retain the disputed domain names as required by the Policy and the Rules. If the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint. In view of the situation, the Panel cannot help but make the decision based primarily upon the contentions and the accompanying exhibits by the Complainant, except where there is an exhibit proving to the contrary.

I. Identity or Confusing Similarity

Pursuant to Paragraph 4(a) (i) of the Policy, a complainant must prove that the domain name is identical with or confusingly similar to a trademark or service mark in which the complainant has rights.

A. Complainant has rights in a trademark or service mark

The Complainant has provided evidence of ownership of valid trademark registrations for the trademark LINDT, registered in 1906, 1912, 1946, 1959, 1986, 1994, 1996, 1998 and 2007 in numerous countries and classes as mentioned above in the IDENTIFICATION OF RIGHTS. The trademarks are still valid and their registration dates significantly predate the registration date of the disputed domain names, i.e. November 15, 2025. The Complainant therefore has rights in the trademark LINDT.

B. The disputed domain names should be identical or confusingly similar to the trademark or service mark

The disputed domain names contain the Complainant's trademark LINDT in its entirety, together with the generic word XMAS. Numerous UDRP Panel decisions have established that the addition of words or letters to a trademark used in a domain name does not alter the fact that the domain name is confusingly similar to the trademark. WIPO Overview 3.0, paragraph 1.8 mentions: “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”.

Paragraph 1.7 mentions: “In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing”.

The Complainant is one of the largest and most popular chocolate manufacturers in the world. The addition of the generic term XMAS reinforces the association with the Complainant’s seasonal chocolate offerings.

As to the generic Top Level Domain “.shop” and “.store”, they are viewed as a standard registration requirement and as such can be disregarded for the purpose of assessing identity or confusing similarity. See WIPO Overview 3.0, paragraph 1.11.1.

Therefore, the Panel finds that the disputed domain names are confusingly similar to a trademark in which the Complainant has rights according to paragraph 4(a) (i) of the Policy. Accordingly, the Complainant has proven that the first element required by paragraph 4(a) of the Policy is established.

II. Rights or Legitimate Interests of the Respondent

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain names on the grounds: i) it does not have trademark rights in LINDTXMAS; ii) it is not commonly known by LINDTXMAS; ii) it is not connected to nor affiliated with the Complainant and has not received license or consent to use LINDT trademark; iv) it has not used the disputed domain names for a bona fide offering of goods or services, nor for any legitimate non-commercial or fair use of the disputed domain names.

Once the Complainant makes out a prima facie case that the Respondent lacks rights or legitimate interests, the burden of production on this element shifts to the Respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the disputed domain names. If the Respondent fails to come forward with such relevant evidence, the Complainant is deemed to have satisfied the second element. See WIPO Overview 3.0, paragraph 2.1.

Paragraph 4(c) of the Policy lists a number of circumstances which can be taken to demonstrate a respondent’s rights or legitimate

interests in a domain name. However, the Respondent has failed to meet that burden. The Respondent did not submit any evidence to demonstrate any of the above circumstances.

Therefore, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names. Accordingly, the Complainant has proven that the second element required by paragraph 4(a) of the Policy is established.

III. Bad Faith

Paragraph 4(a) (iii) of the Policy provides that the domain name has been registered and is being used in bad faith.

A. The disputed domain names have been registered in bad faith

The Panel finds that the Respondent had knowledge of the Complainant's trademark at the time of registration of the disputed domain names, considering the following circumstances:

- WIPO Overview 3.0, paragraph 3.2.2 mentions: "Noting the near instantaneous and global reach of the Internet and search engines, and particularly in circumstances where the complainant's mark is widely known (including in its sector) or highly specific and a respondent cannot credibly claim to have been unaware of the mark (particularly in the case of domainers), panels have been prepared to infer that the respondent knew, or have found that the respondent should have known, that its registration would be identical or confusingly similar to a complainant's mark". The Complainant's evidence of google search for LINDT XMAS refers to the Complainant and its LINDT trademark. The Panel believes that before registration of the disputed domain names, the Respondent had made searches for the wording LINDT and knew it was the trademark of the Complainant;

- The LINDT trademark is well known as determined in several prior UDRP decisions. See case CAC-UDRP-102684 (2019), <lindtus.com>, Chocoladefabriken Lindt & Sprüngli AG v. Carolina Rodrigues, Fundacion Comercio Electronico; See case CAC-UDRP-108094, <lindtusa-online.shop>, Chocoladefabriken Lindt & Sprüngli AG v. / lin zhibing; See case CAC-UDRP-107863, <lindttusa.com>, Chocoladefabriken Lindt & Sprüngli AG v. Zhichao N/A. Therefore, the Respondent had knowledge of the Complainant's trademark;

- The disputed domain names previously resolved to the Respondent's websites, offering chocolates with the LINDT trademark, which reflects its intention to create an association with the Complainant and likelihood of confusion with the Complainant and its LINDT trademark. This suggests that the Respondent had knowledge of the Complainant's LINDT trademark.

In view of the above circumstances, the Panel holds that the Respondent had knowledge of the Complainant's trademark at the time of registration of the disputed domain names. As the domain names would cause confusion to internet users, it should have avoided the registration, which is considered as good faith, rather it registered the disputed domain names. The Respondent deliberately sought to cause such confusion. Accordingly, the Panel finds that the disputed domain names have been registered in bad faith.

B. The disputed domain names are being used in bad faith

Paragraph 4(b)(iv) of the Policy states that the following circumstance in particular shall be evidence of registration and use of a domain name in bad faith: By using the domain name, the respondent has intentionally attempted to attract, for commercial gain, internet users to its website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location. According to the above paragraph 4(b) (iv) of the Policy, the Complainant contends that the disputed domain names are being used in bad faith.

The Panel supports the Complainant's contention, based on the following factors:

The disputed domain name, <lindtxmas.shop>, previously resolved to a website, displaying the Complainant's LINDT trademark, featured images of LINDT-branded goods, and was structured to resemble a legitimate online store offering discounted chocolates with different prices. The website was operated under the false impression that they were engaging with an official LINDT platform. The inclusion of a footer displaying the Complainant's US subsidiary name and registered address, "©2025 Lindt & Spruengli (USA) Inc., One Fine Chocolate Place, Stratham, NH 03885-2592, USA", which reinforced this deception. The disputed domain name, <lindtxmas.store>, previously resolved to a website, presenting and referring to the Complainant's subsidiary in both the site footer and "About us" section, falsely representing itself as an official LINDT entity. It is clear that the Respondent used the disputed domain names to attract Internet users for commercial gain by creating a likelihood of confusion regarding the source, sponsorship, affiliation, or endorsement of the website.

Currently the domain names are inactive. However, it does not prevent a finding of bad faith use under the doctrine of passive holding. WIPO Overview 3.0, paragraph 3.3 mentions: "From the inception of the UDRP, panelists have found that the non-use of a domain name (including a blank or 'coming soon' page) would not prevent a finding of bad faith under the doctrine of passive holding. While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good faith use, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put". See WIPO case D2017-0246, "Dr. Martens" International Trading GmbH and "Dr. Maertens" Marketing GmbH v. Godaddy.com, Inc. See WIPO case D2000-0003, Telstra Corporation Limited v. Nuclear Marshmallows.

In this case, the Panel is convinced that the overall circumstances of this case strongly suggest that the Respondent’s non-use of the disputed domain name is in bad faith. Such circumstances include all the above four circumstances, which were mentioned in the Complainant's contention to support its argument that the disputed domain names are being used in bad faith.

Considering the above factors, the Panel finds that the disputed domain names are being used in bad faith, which meets the circumstance mentioned in Paragraph 4(b) (iv).

Regarding the Complainant’s contention on bad faith, the Respondent should rebut it, but it did not make any response, which strengthened the Panel’s findings on its bad faith.

In view of all above, the Panel finds that the disputed domain names have been registered and are being used in bad faith according to paragraph 4(a)(iii) of the Policy. Therefore, the Complainant has proven that the third element required by paragraph 4(a) of the Policy is established.

Decision

For all the foregoing reasons, in accordance with paragraph 4(a) of the Policy and Rule 15 of the Rules, the Panel orders that the disputed domain names be transferred to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lindtxmas.shop**: Transferred
2. **lindtxmas.store**: Transferred

PANELLISTS

Name	**Yunze Lian**

DATE OF PANEL DECISION 2026-01-27

Publish the Decision