Decision for dispute CAC-UDRP-107839

Case number	CAC-UDRP-107839
Time of filing	2026-02-10 11:38:13
Domain names	lindt-outlet.shop

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	Han Kim

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 several LINDT trademarks for, inter alia, goods in class 30, registered worldwide, including:

- German trademark LINDT with registration number 91037 of Sep 27, 1906; and
- United States trademark LINDT with registration number 87306 of July 9, 1921.

FACTUAL BACKGROUND

The Complainant is a Swiss company that was founded in 1845. The Complainant is a producer of chocolate and confectionery products and a leader in the market of premium quality chocolate. The Complainant operates manufacturing sites across Europe and the United States, supported by 38 subsidiaries and branch offices, more than 500 owned retail boutiques, and a robust global network of over 100 independent distributors. The Complainant has more than 15,000 employees and made a revenue of CHF 5.47 billion in 2024.

The disputed domain name was registered on January 15, 2026 and is currently inactive following a takedown request submitted by the Complainant, and previously resolved to a website which prominently displayed the Complainant's LINDT trademark at the top and offered LINDT-branded products for sale at discounted prices.

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).

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

The Respondent did not reply to the Complainant's contentions. However, the consensus view of UDRP panels is that the Respondent's default does not automatically result in a decision in favor of the Complainant. The Complainant must still establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from a respondent's default, paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in these proceedings. Paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, the Panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. The Panel finds that in this case, there are no such exceptional circumstances.

1. **The disputed domain name is confusingly similar to the Complainant's trademark**

It is well established that the Top Level Domain ("TLD") – in the present case ".shop" – may be disregarded in the assessment under paragraph 4(a)(i) of the Policy (WIPO Overview of WIPO Panel Views on Selected UDRP Questions ("WIPO Overview 3.1"), section 1.11).

The disputed domain name incorporates the Complainant's trademark LINDT in its entity, and adds a descriptive term "-outlet". Such addition does not prevent a finding of confusing similarity between the disputed domain name and the Complainant's LINDT trademark (WIPO Overview 3.1, section 1.8).

2. **The Respondent has no rights or legitimate interests in respect of the disputed domain name**

The Complainant must make a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name, which the Respondent may rebut (e.g., Croatia Airlines d.d. v. Modern Empire Internet Ltd., WIPO Case No. D2003-0455; also WIPO Overview 3.1, section 2.1).

The Panel takes note of the various allegations of the Complaint and, in particular, that the Respondent was not licensed or authorized to use the Complainant's LINDT trademark in connection with the registration and use of a domain name, and that the Respondent is neither commonly known by nor has trademark rights in the dispute domain name or by the term "lindt-outlet". The

Complainant further alleged that the disputed domain name, before it became inactive, resolved to a website that created the misleading impression of being connected with, authorized by, or endorsed by the Complainant as it displayed the Complainant's LINDT trademark, used images of the Complainant's products, and encouraged purchases, requested personal data from Internet users during the checkout process and account creation. The Panel considers it likely that the activities conducted by the Respondent with the disputed domain name are intended to give website visitors the impression that they are visiting an official website of the Complainant, an impression that is not dispelled by the presence of a disclaimer on the website and/or other measures to eliminate confusion about the origin of the website, while the request for personal data is indicative of phishing activities. The Respondent has not presented any arguments to explain its conduct. Impersonating the Complainant's official website and engaging in phishing activities can never constitute a bona fide offering of goods or services, nor a legitimate non-commercial or fair use of the disputed domain name. The Panel therefore agrees with the panel in case CAC-UDRP-108094, which decided in a similar case that this conduct fails the Oki Data test "as impersonation and phishing-type activity, can never confer rights or legitimate interests under established UDRP precedent."

The Panel is satisfied that the Complaint succeeded in making a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

3. **The disputed domain name has been registered and used in bad faith**

The Complainant showed that it had registered the LINDT trademark nearly 120 years before the Respondent registered the disputed domain name and the Complainant undisputedly alleged that the LINDT trademark was well-known at the time the Respondent registered the disputed domain name. As the disputed domain name resolved to a website which, inter alia, used the Complainant's trademark and product images, the Panel considers it likely that the Respondent registered the disputed domain name because it was familiar with the LINDT trademark. Consequently, the Panel is satisfied that the disputed domain name was registered in bad faith.

The Complainant must also prove that the Respondent uses the disputed domain name in bad faith. The disputed domain name resolved to a website that used the Complainant's trademarks and product images, and impersonated the Complainant's official website, from which the Panel infers that the Respondent deliberately attempted to attract internet users for commercial gain by creating confusion with the well-known LINDT brand of the Complainant, which results in a presumption of bad faith in this case.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lindt-outlet.shop**: Transferred

PANELLISTS

Name	**Alfred Meijboom**

DATE OF PANEL DECISION 2026-03-10

Publish the Decision