Decision for dispute CAC-UDRP-108426

Case number	CAC-UDRP-108426
Time of filing	2026-02-20 11:39:13
Domain names	chocolatlindt.com, chocolindtdream.com, frchocolatlindt.com

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Organization	Private LLC

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, amongst others, of the following trademark registrations:

- German trademark registration No. 91037 for LINDT (word mark) filed on June 2, 1906, registered on September 27, 1906 and duly renewed in class 30;

- United States trademark registration No. 87306 for LINDT (word mark), filed on December 19, 1910, registered on July 9, 1912 and duly renewed in class 30;

- International trademark registration No. 622189 for LINDT (word mark), registered on July 12, 1994 and duly renewed in class 30;

- European Union trademark registration No. 134007 for LINDT (word mark), filed on April 01, 1996, registered on September 07, 1998 and duly renewed in class 30;

- International trademark registration No. 936939 for LINDT (word mark), registered on July 27, 2007 and duly renewed in classes 06, 14, 16, 18, 21, 25, 28 and 41;

- International trademark registration No. 1128456 for LINDT (device mark), registered on May 25, 2012 and duly renewed in classes 06, 14, 16, 18, 21, 25, 28, 30, 35, 41 and 43;

- International trademark registration No. 1277242 for LINDT (device mark), registered on October 7, 2015 and duly renewed in classes 29, 30 and 32.

FACTUAL BACKGROUND

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.

The Complainant contends that it is the owner of the registered trademark LINDT in numerous jurisdictions and that the disputed domain names are confusingly similar to its registered trademark.

The Complainant trademark registrations predate the registration of the disputed domain names <chocolatlindt.com>, <chocolindtdream.com> and <frchocolatlindt.com> which were all registered on October 6, 2025.

Actually, in the Complainant's view, the disputed domain names <chocolatlindt.com>, <chocolindtdream.com> and <frchocolatlindt.com> incorporate the Complainant's LINDT trademark and the additional terms included in the disputed domain names ("chocolat," "choco," "dream," and "fr") do not diminish the confusing similarity between said domain names and the Complainant's mark.

The Complainant also contends that the Respondent has no rights or legitimate interests in respect of the disputed domain names. Actually, according to the Complainant, the Respondent does not have trademark rights in "chocolatlindt.com", "chocolindtdream.com", "frchocolatlindt.com", "chocolatlindt", "chocolindtdream", or "frchocolatlindt". Furthermore, the Complainant outlines that the Respondent is not commonly known by "chocolatlindt.com", "chocolindtdream.com", "frchocolatlindt.com", "chocolatlindt", "chocolindtdream", or "frchocolatlindt" and that the Respondent is not connected to nor affiliated with the Complainant and has not received license or consent to use the LINDT trademark. In addition, the Complainant argues that the Respondent has not used the disputed domain names for a bona fide offering of goods or services or for any non-commercial activity. In particular, according to the Complainant, although the disputed domain names are currently inactive, as a result of the Complainant's takedown requests, they previously resolved to websites that created the misleading impression of being affiliated with, authorised by, or endorsed by Lindt.

The Complainant submits that the Respondent registered the disputed domain names in bad faith. Actually, considering that the LINDT trademark is highly distinctive and well-known, as also acknowledged by previous UDRP panels, the Complainant finds it very unlikely that the Respondent was unaware of the Complainant's activities or of its LINDT mark when it registered three domain names that combine the LINDT mark with terms clearly and directly linked to the Complainant's field of activity.

The Complainant also submits that the disputed domain names are being used in bad faith. In particular, the Complainant notes that, although the disputed domain names are currently inactive, they previously resolved to websites that purported to offer for sale a LINDT-branded chocolate calendar. Said websites provided no indication or disclaimer in a prominent manner clarifying that their operators were unaffiliated with the Complainant. In the Complainant's view, such use of the disputed domain names was liable to mislead consumers into believing that the websites were operated by, endorsed by, or otherwise connected with the Complainant, which was not the case. The Complainant also insists that currently the domain names are inactive but that this circumstance does not prevent a finding of bad faith use under the doctrine of passive holding.

Finally, the Complainant has demonstrated that MX servers are configured for the domain names <chocolatlindt.com> and <frchocolatlindt.com>, indicating a risk that the Respondent may use the above domain names to create e-mail addresses with the suffixes "@chocolatlindt.com" and "@frchocolatlindt.com" for deceptive purposes.

PARTIES CONTENTIONS

The Complainant´s contentions are summarized above.

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

In the case at hand the Complaint relates to three domain names:

- <chocolatlindt.com>

- <chocolindtdream.com>

- <frchocolatlindt.com>

According to Article 3(c) of the Rules for Uniform Domain Name Dispute Resolution Policy ("Rules"), the Complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. In the present case the Registrar Verification has confirmed that all the domain names in dispute are registered in the name of Private LLC (Oliver Kinger). Therefore, the Panel does not see any obstacles in rendering a decision in the present case even if the Complaint relates to more than one domain name.

PRINCIPAL REASONS FOR THE DECISION

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Paragraph 4(a) of the Policy provides that to obtain the transfer of the disputed domain name, the Complainant must prove that each of the following elements is present:

(i) the disputed 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 disputed domain name; and

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

1.a) <chocolatlindt.com> - The disputed domain name fully includes the Complainant's trademark. The LINDT trademark is preceded by the word "chocolat" which is clearly linked to the Complainant’s business, as it is, in fact, a well-known chocolate manufacturer. The Panel believes that the mere addition of the word "chocolat" to the verbal element LINDT is not sufficient to avoid the confusingly similarity of the disputed domain with the trademark LINDT. On the contrary, the risk of confusion is even worse in this case, as chocolate is the Complainant's core business (see, among others, Chocoladefabriken Lindt & Sprüngli AG v. vildan erdogan, CAC Case No. 101809).

1.b) <chocolindtdream.com> - The disputed domain name fully includes the Complainant's trademark. The LINDT trademark is preceded by the word "choco" which is clearly linked to the Complainant’s business and followed by the generic/laudatory word "dream". The Panel believes that the disputed domain name, combining the Complainant’s trademark with a word connected to the Complainant's business ("choco") and with the term “dream” (clearly associable to the idea that many consumers are extremely keen to try Lindt chocolate), is inherently misleading and suggests an affiliation with the Complainant that, according to the records, does not exist (see, among others, Università Commerciale Luigi Bocconi v. Catal Academy SA, CAC Case No. 106030).

1.c) <frchocolatlindt.com> - The disputed domain name fully includes the Complainant's trademark. The LINDT trademark is preceded by the geographic identifier "fr" (clearly referring to France) and by the word "chocolat" which is clearly linked to the Complainant’s business. In observing the structure of said domain name it is obvious that the elements "fr" and "chocolat" clearly and unambiguously refer to the Complainant well-known trademark. Actually, the above terms merely indicate that LINDT chocolate is distributed in France. Hence the similarities between the LINDT trademark and the disputed domain name are striking (see, e.g., Novartis AG v Sandoz Pharmaceutical, CAC Case No. 105705).

Now, considering that the generic Top-Level Domain “.com” is obviously a mere standard registration requirement and should be disregarded when assessing whether a disputed domain name is confusingly similar to the trademark in which the Complainant has

rights, the Panel's view is that the Complainant has shown that the domain names in dispute are confusingly similar to the trademark LINDT in which the Complainant has rights. The Complainant, therefore, succeeds on the first element of the Policy.

2) Pursuant to paragraph 4(a)(ii) of the Policy, a complainant must make out a prima facie case that a respondent lacks rights or legitimate interests in the disputed domain name(s). Once such a prima facie case is made, the respondent carries the burden of demonstrating its rights or legitimate interests in the disputed domain name(s). If the respondent fails to do so, the complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy. In this case, the Panel finds that the Complainant's submitted evidence and allegations are sufficient to establish a prima facie case of the Respondent's lack of rights and legitimate interests in the disputed domain names, also considering the fact that the Respondent had the chance to justify the registration and use of the disputed domain names, but failed to do so. According to the information provided by the Complainant and not contested, the Respondent is not commonly known by the disputed domain names nor authorized to use the Complainant's trademark LINDT.

For these reasons, the Panel takes the view that the Respondent lacks rights or legitimate interests in the disputed domain names for the purpose of the second element of the Policy.

3) The disputed domain names were registered by the Respondent on October 6, 2025, and thus more than a century since the LINDT trademark was first registered in Germany in 1906 by the Complainant. The Complainant has used the LINDT trademark worldwide and so intensively that it is impossible to believe that Respondent had no knowledge of the Complainant's trademark rights at the time of registration of the disputed domain names. Therefore, in the Panel's view, the disputed domain names <chocolatlindt.com>, <chocolindtdream.com> and <frchocolatlindt.com> were registered in bad faith.

The Respondent used the disputed domain names to confuse internet users, by falsely associating the websites at the disputed domain names with the Complainant.

In particular, the Complainant has demonstrated that the domain names <chocolatlindt.com> and <frchocolatlindt.com> resolved to webpages promoting the sale of a large LINDT-branded chocolate calendar, using product imagery and associated indicia which created the false impression that the sites were in some manner authorised or endorsed by Lindt. In both domain names, the sites displayed what appeared to be fabricated customer reviews and listed identical contact and company details. Furthermore, the Complainant has demonstrated that the domain name <chocolindtdream.com> promoted an unrelated, heavily discounted advent calendar in connection with a different brand and that this domain name previously hosted as well the same Lindt-themed advent calendar content found on the domain names <chocolatlindt.com> and <frchocolatlindt.com>.

The Panel observes that the pattern of behavior demonstrated by the Respondent, involving the use of the disputed domain names to create misleading impressions of legitimacy and association with the Complainant, underscores a clear intent to exploit the Complainant's trademark for fraudulent purposes. Therefore, in the Panel's view, there is no evidence that Respondent registered the disputed domain name to provide a bona fide offering of its goods and services.

The disputed domain names are now inactive. This circumstance does not prevent a finding of bad faith use. Previous panels have held that the passive holding of a domain name can be considered as use in bad faith (see WIPO Case No. D2000-0003 <telstra.org> and WIPO Case No. D2011-0421<browns.com>).

Finally, the Complainant has provided evidence that the Respondent has set up "MX-records" for the domain names <chocolatlindt.com> and <frchocolatlindt.com>. This entails that the Respondent can send e-mails through the e-mail address "@chocolatlindt.com" and "@frchocolatlindt.com". The Respondent can therefore use (or may already have used) said domain name to send fraudulent e-mails such as messages containing spam and/or phishing attempts that Internet users could well assume were sent by the Complainant. (See also Conféderation Nationale du Crédit Mutuel, Crédit Industriel et Commercial v. Khodor Dimassi, WIPO Case No. D2016-1980; Paris Saint-Germain Football v. MHP Private, WIPO Case No. D2019-0036). Albeit that there are no concrete examples of such use, it seems inconceivable that the Respondent will be able to make any good faith use of the above disputed domain names as part of an e-mail address. The Panel finds that the mere conduct of making preparation for sending e-mails which are very likely to confuse the recipient of such e-mails as to their origin, is without justification and is inconsistent with the Complainant's exclusive rights in the LINDT trademark (see Accenture Global Services Limited v. Registration Private, Domains by Proxy, LLC / Richa Sharma, Name Redacted, WIPO Case No. D2019-2453).

As a result of the above, the Panel finds that all the disputed domain names were registered and are being used in bad faith. The Complainant, therefore, succeeds also on the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **chocolatlindt.com**: Transferred
2. **chocolindtdream.com**: Transferred
3. **frchocolatlindt.com**: Transferred

PANELLISTS

Name	Guido Maffei

DATE OF PANEL DECISION 2026-03-31

Publish the Decision