Decision for dispute CAC-UDRP-108583

Case number	CAC-UDRP-108583
Time of filing	2026-04-15 09:38:44
Domain names	lindtchoco.com

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	zaydenl zaydenl

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 a large portfolio of trademark registrations consisting of or incorporating the mark **LINDT**, including, by way of example:

Trademark	Jurisdiction	Registration No.	Registration Date	Classes
LINDT	European Union	000134007	7 September 1998	30
LINDT	United States	87306	9 July 1912	30
LINDT	Germany	91037	27 September 1906	30
LINDT device mark	International	576529	10 September 1991	30
LINDT device mark	United Kingdom	UK00000551197	17 May 1934	30

The Complainant also operates an official website under the domain name <LINDT.COM>, registered on 16 December 1997, and

maintains a significant presence on social media.

FACTUAL BACKGROUND

Founded in 1845, the Complainant is a Swiss chocolate and confectionery manufacturer widely acknowledged as a leading player in the premium chocolate segment. Its products are distributed in more than 120 countries worldwide under various brands, including LINDT. The Complainant operates 12 manufacturing sites in Europe and the United States, maintains 41 subsidiaries and branch offices, runs over 600 proprietary retail stores, and works with an extensive network of more than 100 independent distributors globally. Employing more than 15,000 people, the Complainant achieved sales of CHF 5.92 billion and an operating profit of CHF 971 million in 2025.

For promoting and commercializing its products worldwide, the Complainant is the owner of an extensive portfolio of trademark registrations, many of which consist of or contain the mark LINDT.

The Complainant states that the Disputed Domain Name reproduces the Complainant's LINDT trademark in its entirety, being placed at the very beginning of the Disputed Domain Name. Accordingly, it must be concluded that the LINDT mark is clearly recognizable within the Disputed Domain Name and that the Disputed Domain Name is confusingly similar to that mark for the purposes of the first element of the Policy.

Regarding the above, although the Disputed Domain Name also includes the additional term "choco" alongside the LINDT mark, such addition does not prevent a finding of confusing similarity under the first element of the Policy.

The Complainant states that he has not authorized, licensed, or otherwise permitted the Respondent to use the LINDT mark in any manner whatsoever, including as part of the Disputed Domain Name. Nor is the Complainant affiliated with, or otherwise connected to, the Respondent in any way. There is also no evidence that the Respondent has been commonly known by "lindtchoco.com" or "lindtchoco". The Complainant has found nothing to suggest that the Respondent holds any trademark rights in "lindtchoco.com" or "lindtchoco". The Disputed Domain Name has not been used in connection with any legitimate non-commercial or fair use, nor without intent for commercial gain. The Disputed Domain Name resolved to a German-language website that falsely conveyed in the view of Complainant the impression of a commercial or organizational affiliation with the Complainant. The Complainant states that this misleading impression arose, in particular, from the following elements of the website:

1. The prominent reproduction of the LINDT trademark in its entirety at the top of the website;
2. The display of images of Lindt-branded products, including "Lindt Dubai Style Chocolate", offered for sale at unusually low prices;
3. The solicitation of personal data from users—such as name, postal address, e-mail address, and telephone number—during user interaction and the checkout process;
4. The presence of an account registration feature requiring users to submit personal information, including an e-mail address, in order to create an account; and
5. The use of the designation "Lindt Deutschland" in the browser tab, together with explicit references to Lindt in the "Über uns" section of the website (e.g., "For over 175 years, Lindt has been crafting moments of delight through the art of Swiss chocolate-making. It all began in a small Zurich confectionery, where a passion for perfection set the foundation for what would become a world-renowned legacy", or "At Lindt, we believe chocolate is more than an indulgence—it's a gesture of care, a spark of joy, and a celebration of craftsmanship", all of which reinforced the false appearance of authenticity.

In light of the circumstances described above concerning the Respondent's use of the Disputed Domain Name, the Complainant contends, as a preliminary matter, that such use does not satisfy the Oki Data criteria, as set out in WIPO Overview 3.1, section 2.8.1. In particular, the website to which the Disputed Domain Name resolved failed to clearly and prominently disclose the absence of any relationship between the Respondent and the Complainant. On the contrary, the use of the designation "Lindt Deutschland" in the browser tab, together with explicit references to Lindt in the website's "Über uns" section, demonstrates the Respondent's clear intention to impersonate the Complainant or falsely present itself as an official Lindt website. Such conduct is in the view of Complainant manifestly deceptive and creates a significant risk of consumer confusion, including potential phishing activity, particularly given the misleading branding, representations made to users, and the collection of user data through the website.

Given that the Disputed Domain Name consists of the well-known LINDT trademark combined with the term "choco", which is commonly understood as a reference to "chocolate", a product for which the Complainant is globally renowned, the Complainant submits that the composition of the Disputed Domain Name cannot constitute fair use under any circumstances.

The Complainant notes that even a minimal Internet search conducted prior to registering the Disputed Domain Name would have clearly revealed the Complainant's ownership of numerous LINDT trademark registrations and its extensive international use of the

mark. Notwithstanding the ease with which such information could be ascertained, the Respondent nevertheless proceeded to register the Disputed Domain Name.

Complainant states that the Disputed Domain Name wholly incorporates the Complainant's LINDT trademark together with the term "choco," which directly relates to the Complainant's core business, and has been used in connection with a website that falsely suggests affiliation with the trademark owner. Taken together, these circumstances demonstrate that the Respondent intentionally sought to trade on the reputation of the LINDT mark, leaving little doubt that the Disputed Domain Name was registered with the Complainant expressly in mind and supporting a clear finding of bad-faith registration.

Complainant further states that the Respondent registered the Disputed Domain Name with full knowledge of the Complainant's trademark rights and with the intention of exploiting the reputation and goodwill associated with the LINDT mark, thereby evidencing bad faith registration under the Policy. While the Disputed Domain Name is presently inactive as a consequence of the Complainant's takedown request, it previously resolved to a website on which the Complainant's LINDT trademark was prominently displayed, including at the top of the webpage, and where products purporting to be LINDT-branded were offered for sale at discounted prices. The website contained no clear notice or disclaimer clarifying that the website was unaffiliated with the Complainant.

In the Complainant's view, such use of the Disputed Domain Name was calculated to give Internet users the false impression that the website was operated by, or otherwise associated with, the Complainant. The Respondent therefore made unauthorized use of the LINDT mark with the intentional aim of attracting Internet users for commercial gain by creating a likelihood of confusion as to the source, sponsorship, affiliation, or endorsement of the website and the purported goods offered thereon. Such conduct constitutes in the view of Complainant evidence of registration and use of the Disputed Domain Name in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

Moreover, regarding the former use of the Disputed Domain Name - which could be said to impersonate or pass-off as the Complainant and posed a clear phishing risk to internet users through deceptive branding, user data collection (including name, e-mail address and physical address during the checkout process), and misleading representation - the Complainant also notes that this behaviour constitutes additional evidence of bad faith.

Complainant states that given the well-known status of the LINDT mark and the structure of the Disputed Domain Name, where the mark is reproduced in full with the term "choco", it is inconceivable that the Disputed Domain Name, which clearly postdates the Complainant's rights in LINDT, could be used by the Respondent in good faith, especially given the use of the Disputed Domain Name already made by the Respondent.

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

A. Identical or Confusingly Similar

The Panel is satisfied that the Complainant has established rights in the LINDT trademark through its trademark registrations, including registrations dating back more than a century.
The Disputed Domain Name is <lindtchoco.com>. It incorporates the Complainant's LINDT mark in its entirety. The mark is clearly recognizable at the beginning of the Disputed Domain Name.
The addition of the term "choco" does not avoid a finding of confusing similarity. On the contrary, the term "choco" is commonly understood as referring to chocolate, which is the very field in which the Complainant is internationally known. The addition therefore reinforces, rather than dispels, the association with the Complainant.

The generic Top-Level Domain ".com" is a technical registration requirement and is disregarded in the assessment of confusing similarity.
Accordingly, the Panel finds that the Disputed Domain Name is confusingly similar to the Complainant's LINDT trademark.

The first element of paragraph 4(a) of the Policy is satisfied.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a non-exhaustive list of circumstances by which a respondent may demonstrate rights or legitimate interests in a Disputed Domain Name. These include use of the domain name in connection with a bona fide offering of goods or services, being commonly known by the domain name, or making a legitimate non-commercial or fair use of the domain name without intent for commercial gain or to misleadingly divert consumers.

The Complainant has stated that it has not authorized, licensed, or otherwise permitted the Respondent to use the LINDT mark. There is no evidence that the Respondent is affiliated with the Complainant. Nor is there any evidence that the Respondent has been commonly known by the Disputed Domain Name or that it owns trademark rights in "lindtchoco" or "lindtchoco.com".
The evidence shows that the Disputed Domain Name previously resolved to a website that prominently displayed the LINDT mark, used the designation "Lindt Deutschland", displayed images of LINDT-branded products, offered purported LINDT goods for sale, and collected personal information from users. The website did not clearly and prominently disclose that it was unaffiliated with the Complainant. Rather, its content was plainly calculated to create the impression that it was an official or authorized Lindt website.

Such use cannot amount to a bona fide offering of goods or services. Nor can it constitute legitimate non-commercial or fair use. The Respondent's website impersonated or passed itself off as the Complainant, or at minimum created a serious risk of implied affiliation with the Complainant. UDRP panels have consistently held that the use of a domain name for impersonation, passing off, phishing, or other fraudulent or deceptive activity cannot confer rights or legitimate interests on a respondent.

The composition of the Disputed Domain Name further supports this conclusion. The Disputed Domain Name combines the well-known LINDT mark with the term "choco", which directly describes the Complainant's principal products. This combination carries a high risk of implied affiliation and falsely suggests that the Disputed Domain Name is associated with, sponsored by, or endorsed by the Complainant.
The current inactivity of the Disputed Domain Name does not assist the Respondent. Passive holding of a domain name incorporating a third party's well-known trademark, particularly after prior deceptive use, does not establish rights or legitimate interests.

The Complainant has made out a prima facie case that the Respondent lacks rights or legitimate interests. The Respondent has not rebutted that case.
Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name. The second element of paragraph 4(a) of the Policy is satisfied.

C. Registered and Used in Bad Faith

The Panel finds that the Disputed Domain Name was registered and is being used in bad faith.
The Complainant's LINDT trademark is distinctive and well known. The Complainant's trademark registrations significantly predate the registration of the Disputed Domain Name. The Disputed Domain Name incorporates the LINDT mark in its entirety and adds the term "choco", which directly relates to chocolate and therefore to the Complainant's core business.
In these circumstances, it is not credible that the Respondent registered the Disputed Domain Name without knowledge of the Complainant and its trademark rights. The structure of the Disputed Domain Name itself indicates targeting of the Complainant. The Respondent's subsequent use of the Disputed Domain Name confirms this conclusion.
The evidence shows that the Disputed Domain Name was used for a website that reproduced the LINDT mark, presented itself as "Lindt Deutschland", referred to Lindt's history and chocolate-making tradition, displayed images of LINDT-branded products, offered products for sale, and collected personal data from users. This conduct demonstrates that the Respondent intentionally attempted

to attract Internet users to its website for commercial gain by creating a likelihood of confusion with the Complainant's mark as to source, sponsorship, affiliation, or endorsement.
Such conduct falls squarely within paragraph 4(b)(iv) of the Policy.

The Panel further considers that the Respondent's conduct constitutes impersonation or passing off. The website was designed to mislead users into believing that it was operated by, or affiliated with, the Complainant. The collection of personal data through such a website creates an additional risk of phishing or other fraudulent activity. Such use is manifestly evidence of bad faith.
The fact that the Disputed Domain Name is currently inactive does not prevent a finding of bad faith. The doctrine of passive holding is applicable where the circumstances of the case indicate that no plausible good faith use of the domain name exists. Here, the Complainant's mark is well known, the Disputed Domain Name combines that mark with a descriptive term directly linked to the Complainant's products, the Respondent has not filed any Response, and the Disputed Domain Name has already been used for a deceptive website impersonating the Complainant.

In light of these circumstances, the Panel finds that the Respondent registered and used the Disputed Domain Name in bad faith. The third element of paragraph 4(a) of the Policy is satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lindtchoco.com**: Transferred

PANELLISTS

Name	**Jan Schnedler**

DATE OF PANEL DECISION 2026-05-12

Publish the Decision