Decision for dispute CAC-UDRP-108589

Case number	CAC-UDRP-108589
Time of filing	2026-04-17 15:53:06
Domain names	lindtchokolate.com

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	Kalis Deirno

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 numerous trademark registrations for LINDT (the “LINDT trademark”), including the following representative registrations:

– the United States trademark LINDT (word) with registration No. 87306, registered on 9 July 1912 for goods in International Class 30, with first use in commerce in 1879;

– the European Union trademark LINDT (word) with registration No. 000134007, registered on 7 September 1998 for goods in International Class 30; and

- the United Kingdom trademark LINDT with registration No. UK00900134007, registered on 7 September 1998 for goods in International Class 30.

FACTUAL BACKGROUND

The Complainant is a Swiss manufacturer of chocolate and confectionery products, established in 1845. It distributes its diverse portfolio of 2500 products in more than 120 countries worldwide under various brands, including LINDT and RUSSELL STOVER. The Complainant reported sales of CHF 5.92 billion in 2025. Its main official website is located at the domain name <lindt.com>, which

has been registered since 16 December 1997.

The disputed domain name was registered on 31 January 2026. It is currently inactive. The disputed domain name has mail exchanger (“MX”) settings enabled.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant states that the disputed domain name is confusingly similar to its LINDT trademark, because it reproduces the LINDT trademark in its entirety, and the inclusion of the term "chokolate" (a misspelling of “chocolate”) does not preclude a finding of confusing similarity between the Complainant’s trademark and the disputed domain name.

The Complainant asserts that the Respondent has no rights or legitimate interests in respect of the disputed domain name, because the Complainant has not authorised it to use the LINDT trademark as part of the disputed domain name or in any other manner, and the Respondent has no relevant trademark rights and is not commonly known by the disputed domain name.

The Complainant notes that the disputed domain name has not been used in connection with any legitimate non-commercial or fair use, because it resolves to an error page.

The Complainant points out that the contact details provided in connection with the disputed domain name are inaccurate, because they include a fictitious telephone number and the indicated address is identical to the fictional address of the well-known literary character Sherlock Holmes, which address currently corresponds to a location dedicated to that character.

The Complainant notes that it sent a letter to the Respondent in relation to the registration of the disputed domain name (as well as the domain names <iindt.us> and <russellstoverchocolates.us>, which are also held by the Respondent and are currently the subject of separate proceedings under the UDRP) on March 12, 2026, followed by a reminder on March 19, 2026, but the Respondent failed to respond to these communications.

The Complainant points out that the disputed domain name reproduces the LINDT trademark in combination with the misspelled term “chokolate”, which refers to a product that the Complainant has marketed for more than a century and currently markets in 120 countries worldwide. According to the Complainant, the disputed domain name is likely to mislead Internet users into believing that it refers to a website affiliated with or endorsed by the Complainant, and there is no plausible scenario in which the disputed domain name may be used without encroaching upon the Complainant’s rights in the LINDT trademark.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. It notes that a simple Internet search for “lindtchokolate.com" or “lindtchokolate” carried out prior to the registration of the disputed domain name would have returned references to the Complainant and its LINDT trademark. According to the Complainant, it is unlikely that the Respondent would have arbitrarily chosen to combine the well-known LINDT trademark with the term “chokolate” in a domain name without prior knowledge of the Complainant and its business. The Complainant submits that the Respondent intentionally sought to trade on the reputation of the Complainant’s LINDT trademark.

The Complainant notes that the Respondent has configured the disputed domain name with MX records, which, according to it, suggests an intention to exploit the Complainant’s LINDT trademark for email phishing or other fraudulent schemes, as Internet users receiving emails from an address ending in “@lindtchokolate.com” are likely to assume that such communications originate from the Complainant.

The Complainant submits that the Respondent’s passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy, because it was registered more than a century after the Complainant acquired rights in the LINDT trademark and is misleading combination of this trademark with an obvious misspelling of “chocolate”, the very product through which the Complainant has attained worldwide recognition, and the Respondent has deliberately provided false contact details.

RESPONDENT:

The Respondent did not submit a Response in this proceeding.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to the LINDT trademark 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

Pursuant to the Policy, paragraph 4(a), a complainant must prove each of the following to justify the transfer of a domain name:

(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 disputed domain name was registered and is being used in bad faith.

Identical or confusingly similar

The Complainant has provided evidence and has thus established its rights in the LINDT trademark.

The Panel notes that a common practice has emerged under the Policy to disregard in appropriate circumstances the general Top-Level Domain ("gTLD") section of domain names for the purposes of the comparison under the Policy, paragraph 4(a)(i). The Panel sees no reason not to follow the same approach here, so it will disregard the ".com" gTLD section of the disputed domain name.

The relevant part of the disputed domain name is therefore the sequence "lindtchokolate", which consists of the elements "lindt" and "chocolate". The element "lindt" is identical to the LINDT trademark, while, as noted by the Complainant, "chokolate" is a misspelling of the dictionary term "chocolate", and has a low effect on the overall impression made by the disputed domain name, in which the "lindt" element dominates.

As discussed in section 1.8 of the WIPO Overview 3.1, in cases where the relevant trademark is recognisable within the disputed domain name, the addition of dictionary terms would not prevent a finding of confusing similarity under the first element.

As also discussed in section 1.9 of the WIPO Overview 3.1, a domain name which consists of a variation of a trademark (typically a common, obvious, or intentional misspelling, referred to as typosquatting) is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. This stems from the fact that the domain name contains sufficiently recognisable aspects of the relevant mark. Under the second and third elements, panels will normally find that employing a misspelling in this way signals an intention on the part of the respondent (typically corroborated by infringing website content) to confuse users seeking or expecting the complainant.

Taking all the above into account, the Panel finds that the disputed domain name is confusingly similar to the LINDT trademark in which the Complainant has rights.

Rights and legitimate interests

While the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often-impossible task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a 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 domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name, because it was not authorised to use the LINDT trademark and is not commonly known under the disputed domain name, which combines the same trademark with a misspelled version of the dictionary term for the product marketed by the Complainant. The Complainant also points out that the disputed domain name is inactive, which shows that the Respondent is not using it for any bona fide activities, but has MX settings enabled, which creates a risk that it may be used for phishing or other illegitimate purposes. The Complainant adds that the contact details of the Respondent are obviously false. Thus, 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 submitted a Response and has not provided an explanation of the reasons why it registered the disputed domain name and how it plans to use it. It has not disputed any of the Complainant's allegations or evidence.

In the Panel's view, the circumstances of this case do not support a finding that the Respondent has rights and legitimate interests in the disputed domain name. It is confusingly similar to the popular LINDT trademark and incorporates it with the addition of a misspelling of "chocolate", and this combination creates an appearance that the disputed domain name is related to the Complainant and its chocolate products. As noted by the Complainant, the Respondent has provided contact details that include the well-known fictitious address of Mr. Sherlock Holmes, a literary character admired by generations of readers of criminal stories.

In the absence of any arguments or evidence to the contrary, this leads the Panel to the conclusion that it is more likely than not that the Respondent, being aware of the goodwill of the Complainant's LINDT trademark, has registered the disputed domain name targeting this trademark in an attempt to exploit its goodwill by attracting Internet users who may believe that the disputed domain name and the website to which it redirects are somehow related to the Complainant.

Therefore, the Panel finds that the Respondent does not have rights or legitimate interests in the disputed domain name.

Bad faith

The Respondent is not using the disputed domain name for a website. As noted in section 3.3 of the WIPO Overview 3.1, 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 by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panelists have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy.

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 taking active steps to conceal its identity or (iv) the use of false or inaccurate contact details (noted to be in breach of the respondent's registration agreement). Taking the above factors into consideration, panels assess the overall plausibility of any (claimed) good faith use to which the domain name may be put in light of the composition of the domain name in relation to the relevant mark, such that the more arbitrary or distinctive a mark, the less plausible a claimed non-infringing good faith use is likely to be, and vice versa.

The distinctive and popular LINDT trademark was first registered more than a hundred years ago and has been extensively used around the world. The disputed domain name was registered in 2026. It incorporates the LINDT trademark in combination with a misspelling of "chocolate", and this makes it appear as an online location of the Complainant for its chocolate products. This may confuse and attract Internet users. The Respondent has not provided any plausible explanation of its choice of a domain name and its plans for how to use it, but has indicated an obviously false address, which appears as an attempt to conceal its identity.

Considering the above, the Panel is not aware of any good faith use to which the disputed domain name may be put without the consent of the Complainant, and accepts that the Respondent has registered the disputed domain name targeting the Complainant's LINDT trademark and with the intention of taking an unfair advantage of its goodwill, which supports a finding of bad faith under the doctrine of passive holding.

This satisfies the Panel that the disputed domain name has been registered and 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. **lindtchokolate.com**: Transferred

PANELLISTS

Name	**Assen Alexiev**

DATE OF PANEL DECISION 2026-05-18

Publish the Decision