Decision for dispute CAC-UDRP-108590

Case number	CAC-UDRP-108590
Time of filing	2026-04-17 16:15:24
Domain names	toplindtco.shop

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	CarverMelissa

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 proprietor of many trademark registrations for LINDT, among them the German trademark registration 91037 from September 27, 1906 in class 30 as well the International Registration 217838- registered on March 3, 1959 extended for, inter alia, Japan and Serbia in class 30 as well as the European Trademark 134007 in class 30 registered on 7 September 1998; all being in effect.

FACTUAL BACKGROUND

The Complainant founded in 1845, is a well-known Swiss chocolate manufacturer and a global leader in the premium chocolate category. It produces high-quality chocolates at 12 factories in Europe and the United States. Its products are sold by over 40 subsidiaries and branch offices, in more than 600 of its own stores, as well as via a global network of approximately 100 distributors. With over 15,000 employees, the Complainant reported sales of CHF 5.92 billion in 2025.

The Complainant and its affiliated entities control numerous domain names which encompass the LINDT mark, such as <Lindt.com.au> and many others. The Complainant is repeatedly featured in lists collating the largest and most popular chocolate brands/manufacturers in the world. The Complainant has a strong social media presence with, for example, 6.9 million followers on Facebook, more than 200 thousand followers on Instagram, and over 150 thousand followers on LinkedIn.

The disputed domain name was registered on March 16, 2026.

The disputed domain Name has resolved to a website that presents itself as an official or otherwise authorised LINDT online store. The site prominently displayed the Complainant's LINDT mark and images of LINDT-branded items offered at discounted prices, and referred to itself as 'Lindt' (including on the 'About' page), thereby presenting itself as the Complainant. This impression of affiliation was reinforced by indicia of identity, including the footer statement 'Copyright 2026 © Lindt' and the use of the email address 'Customer@Toplindtco.Shop'. The site also listed a purported Paris address which appears inaccurate since it is associated with a different postal code than the one displayed.

PARTIES CONTENTIONS

The Complainant contends, inter alia, that the disputed domain name identically adopts the Complainant's LINDT marks and is accordingly sufficiently similar.

Further, the Respondent was not authorized by the Complainant to make use of his mark. The Respondent is not an authorized or legitimate reseller, inter alia since his relation to the trademark owner is not disclosed.

Bad faith is evidenced by the website to which the disputed domain name resolved which was deliberately designed to impersonate or pass off as the Complainant by presenting itself as an official or otherwise authorised LINDT online store.

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

In order to succeed in its claim, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

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

(ii) The Respondent has no rights or legitimate interests with respect to the disputed domain name; and

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

A. Identical or Confusingly Similar

The Complainant has established the fact that it has valid trademark rights for „LINDT“in several countries.

The disputed domain name is confusingly similar to the distinctive LINDT marks of the Complainant since the addition of the elements „TOP“ and „CO“ being not distinctive does not prevent a finding of a sufficient confusing similarity since Complainant´s mark is fully incorporated and identifiable in the disputed domain name.

The Panel therefore considers the disputed domain name to be confusingly similar to the trademark „LINDT“, in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Respondent has no rights in the disputed domain name since the Respondent was not authorised by the Complainant to use its trademarks. Furthermore, the Respondent has no legitimate interest in the domain name since there is no indication that the Respondent is commonly known by the name “LINDT” or „toplindtco.shop“ nor that the Respondent is using the domain name in connection with a bona fide offering of related goods or services.

The latter could be discussed since the website may even offer products from the Complainant. However, the majority opinion of panelists follows in cases where a legitimate interest of resellers of original goods to use a trademark in the domain name is in question, the test of Oki Data Americas, Inc. v. ASD, Inc., WIPO Case No. D2001-0903, after which such use might be legitimate if the use comprises the actual offering of goods, only the trademarked goods are sold on the site, and the site is accurately and prominently disclosing the registrant’s relationship with the trademark holder.

The present case does not meet the criteria of the Oki Data test, since the website under the disputed domain name creates the impression of being authorized by the Complainant or even the Complainant itself whereas any other relationship to the Complainant is not disclosed in a prominent way.

The Panel therefore finds that the respondent does not have rights or legitimate interests in the domain name.

C. Registered and Used in Bad Faith

The success of the Complainant being well known, its worldwide business activities and the alleged offerings of Complainant´s products are sufficient indications for this Panel that the trademark LINDT was known to the Respondent at the time of registration of the disputed domain name.

This Panel does not see any conceivable legitimate use of that kind that could be made by the Respondent of this particular disputed domain name without the Complainant’s authorisation.

The circumstances of this case indicate that the Respondent registered and uses the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its potential website or other online locations, by creating a likelihood of confusion with the Complainant’s mark as to the source, sponsorship, affiliation, or endorsement of such website or location, or of a product or service on such website or location. The Panel therefore considers the disputed domain name to have been registered and used in bad faith in accordance with paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **toplindtco.shop**: Transferred

PANELLISTS

Name	**Dietrich Beier**

DATE OF PANEL DECISION 2026-05-22

Publish the Decision