# Decision for dispute CAC-UDRP-108640

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| Case number | CAC-UDRP-108640 |
| Time of filing | 2026-05-11 10:06:02 |
| Domain names | lindtdubaichocolatebar.com |

## Case administrator

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| Name | Olga Slanařová (Case admin) |

## Complainant

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| Organization | Chocoladefabriken Lindt & Sprüngli AG |

## Complainant representative

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| Organization | SILKA AB |

## Respondent

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| Organization | Dynadot, LLC |

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings that are pending or decided and that relate to the Disputed Domain Name.

IDENTIFICATION OF RIGHTS

Complainant states that it "owns a substantial portfolio of trademark registrations across multiple jurisdictions, many of which comprise or feature the sign LINDT," including U.S. Reg. No. 87,306 for LINDT (registered July 9, 1912) for "chocolate candies"; and Int'l Reg. No. 1841010 for LINDT DUBAI CHOCOLATE (registered January 9, 2025) for use in connection with, inter alia, "cocoa." Although Complainant did not provide as annexes copies of documents for any of its trademark registrations (as it should have done), the Panel has verified the foregoing registrations on the websites of the relevant intellectual property law offices. See WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1") section 4.8: "Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision, in particular to affirm or corroborate a party's contention. This may include… accessing trademark registration databases." These registrations are referred to herein as the "LINDT Trademark".

FACTUAL BACKGROUND

Complainant states that it is "a well-established Swiss company with origins dating back to 1845, and is globally engaged in the production and distribution of chocolate and confectionery products"; that it "operat[es] in more than 120 countries"; that "[i]ts portfolio comprises approximately 2,500 products marketed worldwide under various brands, most notably LINDT"; and that it

“employs more than 15,000 individuals worldwide and, in 2025, reported sales of CHF 5.92 billion and an operating profit of CHF 971 million.”

The Disputed Domain Name was created on March 24, 2026, and, according to the Complaint, “was used until very recently in connection with a website that created the false impression of being officially affiliated with the Complainant” by, among other things, using “the LINDT trademark at the top of the website” and “images depicting LINDT-branded products (including Lindt Dubai Style Chocolate),” as well as “[a] statement displayed in the footer of the website asserting: ‘As the premier destination, we recommend lindtdubaichocolatebar.com as the official website to buy’.” Complainant provided copies of communications it sent to Respondent and the Registrar about the Disputed Domain Name in April 2026, to which Complainant states Respondent did not reply. Complainant further states that “Respondent has recently modified the website to which the Domain Name resolves… to a webpage displaying pay-per-click (‘PPC’) links, some of which redirect Internet users to websites offering products related to those of the Complainant (like ‘Chocolate Brand Bars’).”

## PARTIES CONTENTIONS

Complainant contends, in relevant part, as follows:

Paragraph 4(a)(i): Complainant states that the Disputed Domain Name is confusingly similar to the LINDT Trademark because the LINDT Trademarks (both LINDT and LINDT DUBAI CHOCOLATE) are “wholly reproduced within” the Disputed Domain Name and that inclusion of the word “bar” does not by any means dispel the confusing similarity.

Paragraph 4(a)(ii): Complainant states that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, inter alia, “[t]he Complainant has neither authorized, licensed, nor otherwise permitted the Respondent to use the LINDT or LINDT DUBAI CHOCOLATE marks in any capacity, including in connection with the Domain Name”; “there is no affiliation or other relationship whatsoever between the Complainant and the Respondent”; “[t]here is no evidence indicating that the Respondent has been commonly known by ‘lindtdubaichocolatebar’”; “[t]he Complainant has identified no indications that the Respondent holds any trademark or other rights in ‘lindtdubaichocolatebar.com’ or ‘lindtdubaichocolatebar’”; “the Domain Name was used until very recently in connection with a website that created the false impression of being officially affiliated with the Complainant”; and “the Complainant submits that the website failed to meet the Oki Data test” applicable to resellers, because “the website did not clearly or prominently disclose the absence of any relationship between the Respondent and the Complainant.”

Paragraph 4(a)(iii): Complainant states that the Disputed Domain Name was registered and is being used in bad faith because, inter alia, he Disputed Domain Name “is composed of the Complainant’s LINDT DUBAI CHOCOLATE mark (which itself incorporates the well-known LINDT trademark…), combined with the term ‘bar’ (‘bar’ being one of the most common formats in which chocolate products are marketed), and it resolves to a website which creates a misleading impression of affiliation with the Complainant, with a view to deceiving Internet users,” which “demonstrate that the Respondent deliberately sought to target the Complainant’s trademark and commercial activities when the Domain Name was registered, thereby evidencing registration in bad faith”; and “the Respondent’s former use of the Domain Name - intending to create the false impression that the website is operated by, or otherwise associated with, the Complainant - poses a clear phishing risk to Internet users” because it “relies on deceptive branding, misleading representations, and the collection of user data (including name, email address, and physical address during the checkout process), all of which further support a finding of bad faith.”

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 UDRP).

## 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 UDRP).

## 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 UDRP).

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

**Identical or Confusingly Similar: Paragraph 4(a)(i)**

The documentation provided by Complainant is sufficient to establish that Complainant has rights in the LINDT Trademark.

As to whether the Disputed Domain Name is identical or confusingly similar to these trademarks, the relevant comparison to be made is with the second-level portion of the Disputed Domain Name only (i.e., "lindtdubaichocolatebar") because "[t]he applicable Top Level Domain ('TLD') in a domain name (e.g., '.com', '.club', '.nyc') is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test." WIPO Overview 3.1, section 1.11.1.

Here, the Disputed Domain Name contains the LINDT Trademark (both LINDT and LINDT DUBAI CHOCOLATE) in its entirety. As set forth in section 1.7 of WIPO Overview 3.1: "[I]n cases where a domain name incorporates the entirety of a trademark…, the domain name will normally be considered confusingly similar to that mark."

As to the addition of the word "bar", section 1.8 of WIPO Overview 3.1 says: "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element."

Accordingly, the Panel finds that Complainant has proven the first element of the Policy.

**Rights or Legitimate Interests: Paragraph 4(a)(ii)**

Complainant states that Respondent has no rights or legitimate interests in respect of the Disputed Domain Name because, inter alia, "[t]he Complainant has neither authorized, licensed, nor otherwise permitted the Respondent to use the LINDT or LINDT DUBAI CHOCOLATE marks in any capacity, including in connection with the Domain Name"; "there is no affiliation or other relationship whatsoever between the Complainant and the Respondent"; "[t]here is no evidence indicating that the Respondent has been commonly known by 'lindtdubaichocolatebar'"; "[t]he Complainant has identified no indications that the Respondent holds any trademark or other rights in 'lindtdubaichocolatebar.com' or 'lindtdubaichocolatebar'"; "the Domain Name was used until very recently in connection with a website that created the false impression of being officially affiliated with the Complainant"; and "the Complainant submits that the website failed to meet the Oki Data test" applicable to resellers, because "the website did not clearly or prominently disclose the absence of any relationship between the Respondent and the Complainant."

WIPO Overview 3.1, section 2.1, states: "Although 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 Panel finds that Complainant has established its prima facie case and, without any evidence from Respondent to the contrary, the Panel is satisfied that Complainant has satisfied the second element of the UDRP.

**Registered and Used in Bad Faith: Paragraph 4(a)(iii)**

Whether a domain name is registered and used in bad faith for purposes of the UDRP may be determined by evaluating four (non-exhaustive) factors set forth in paragraph 4(b) of the UDRP: (i) circumstances indicating that the registrant has registered or the registrant has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant's documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the registrant's website or location or of a product or service on the registrant's website or location.

As set forth in section 3.1.4 of WIPO Overview 3.1: "Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a well-known trademark, and particularly in the case of coined or fanciful marks, can by itself create a presumption of bad faith." Here, the LINDT Trademark is certainly well-known, based on its long and widespread use and numerous registrations worldwide. Further, although it is unclear whether Respondent is actually selling Complainant's goods, whether Respondent may be selling other

goods, or whether Respondent is not delivering any of the goods it is offering to sell, it is clear that Respondent's previous website associated with the Disputed Domain Name fails to disclose its absence of a relationship with Complainant, which is likely to cause confusion under paragraph 4(b)(iv) of the Policy. See, e.g., DocuSign, Inc. v. Traffic CPMiPV, Maria Carter, WIPO Case No. D2010-0344 (creating a website that appears to be a website for a complainant, as Respondent has done in the instant case, is "likely fraudulent" and "indicates an intent to deceive or, at a minimum, act in bad faith with the intent for commercial gain"); and Janie and Jack LLC v. jing guan, WIPO Case No. D2024-1004 (finding bad faith where "the disputed domain name resolved to a website purporting to sell clothing for children using the [complainant's] mark without disclosing the Respondent's lack of a relationship with the Complainant").

Finally, although Respondent's recent change to a PPC website also constitutes bad faith (see, e.g., Wal-Mart Stores, Inc. v. Whois Privacy, Inc., WIPO Case No. D2005 0850), the Panel notes that it is unnecessary to evaluate the new website and instead is satisfied that Respondent's prior usage satisfies the bad faith element of the Policy. The Policy's reference to how a disputed domain name "is being used" need not refer to usage as of a specific date. What matters is what use a respondent has made of a disputed domain name, regardless of whether such usage differs from an earlier date until the current date (albeit also noting that changes after notice of a complainant's rights may further support a finding of bad faith). To rigidly require otherwise would enable a respondent to avoid liability under the Policy simply by changing how it uses a disputed domain name. See, e.g., Merryvale Limited v. Gera Safin, WIPO Case No. D2021-1812 (finding bad faith based on how the disputed domain name was used "[p]rior to suspension of the Disputed Domain Name by the Registrar after the Complainant's filing of an abuse report"); Postnet International v. Manjo Morias, WIPO Case No. D2021-3880 (finding bad faith where "[t]he disputed domain name previously redirected to a website that purported to offers services which were identical or similar to the services that is offered by the Complainant" and "[t]he fact that the website appears to be unavailable at present does not alter this finding"); and Ports Group AB v. WhoisGuard Protected, WhoisGuard, Inc. / Ayed Alotaibi, WIPO Case No. DCC2020-0008 (finding bad faith based on how "the disputed domain name used to resolve" prior to being suspended by the respondent's hosting provider following a request from the complainant).

Accordingly, the Panel finds that Complainant has proven 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. **lindtdubaichocolatebar.com**: Transferred

## PANELLISTS

| Name | **Douglas Isenberg** |
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DATE OF PANEL DECISION 2026-06-10

Publish the Decision