Decision for dispute CAC-UDRP-108657

Case number	CAC-UDRP-108657
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Domain names	limdt.com

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	Margaret Foulds

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 has established that it has the following trademark rights:

(a) the Swiss trademark for LINDT, registered number 349150, registered with The Swiss Federal Institute of Intellectual Property (IPI) on October 29,1986;

(b) numerous other national and international trademark registrations for LINDT;

(collectively the “LINDT trademark“).

FACTUAL BACKGROUND

The Complainant, Chocoladefabriken Lindt & Sprungli AG, is a renowned Swiss company engaged in the manufacture and distribution of chocolate and related goods and services and has been so engaged since 1845.

The Complainant provides its goods and services under the LINDT trademark.

As well as the LINDT trademark, the Complainant has registered the domain name <lindt.com> and numerous other domain names

incorporating the LINDT trademark with national extensions which it uses in its business to promote its goods and services under its LINDT trademark on the internet and to enable consumers to avail themselves of the Complainant's goods and services.

It has come to the notice of the Complainant that, without any permission to do so, and well after the Complainant had acquired its aforesaid trademark rights, the Respondent registered the domain name <limdt.com> ("the Disputed Domain Name") on April 16, 2026 which consists solely of the LINDT trademark and the Top Level Domain ".com." The Complainant maintains that this is a clear infringement of its LINDT trademark and the Policy.

The Disputed Domain Name initially resolved to an "under construction" webpage, but since that page was taken down at the instigation of the Complainant, the Disputed Domain Name has remained inactive and passively held by the Respondent.

The Complainant maintains that the Disputed Domain Name and its aforesaid use pose a very concerning threat to the Complainant's business and the LINDT trademark and brand. That is because, in registering it, the Respondent misappropriated the LINDT trademark in its entirety, making only a minor change to its spelling, and included the name of an actual person who in fact is employed by the Complainant in its procurement division. The Complainant maintains that this is a clear harbinger of the Respondent's intention to pretend that the Disputed Domain Name and any website to which it resolves are genuine and its intention to perpetrate a fraud on the Complainant and third parties, particularly in the area of procurement.

The Complainant therefore seeks to have the Disputed Domain Name transferred to itself on the grounds that it is confusingly similar to the LINDT trademark, that the Respondent has no rights or legitimate interests in the Disputed Domain Name and that the Respondent has registered and used it in bad faith, principally on the ground that the Respondent has engaged in passive holding.

The Complainant has therefore brought this proceeding under the Uniform Domain Name Dispute Resolution Policy ("the Policy") to obtain the transfer of the Disputed Domain Name and thus achieve the cessation of the improper use to which it has been put.

PARTIES CONTENTIONS

Complainant

The Complainant is a renowned Swiss company engaged in the manufacture and distribution of chocolate and related goods and services and has been so engaged since 1845.

The Respondent registered the domain name <limdt.com> ("the Disputed Domain Name") on April 16, 2026.

The Disputed Domain Name is confusingly similar to the LINDT trademark because it includes the entirety of the LINDT trademark with a minor spelling alteration by the substitution of the letter "m" for the letter "n", and the addition of the Top Level Domain ".com." In particular, the Complainant points out that the letter "m" is adjacent to the letter "n" on a standard keyboard, making it clear that the intention of the Respondent was to engender in the minds of internet users that they had come across an official and correctly spelt domain name of the Complainant and hence that the Disputed Domain Name is valid. Thus, the Respondent has clearly engaged in typosquatting. As a consequence, the Disputed Domain Name would be understood by internet users to be invoking the Complainant its trademark.

The Respondent has no rights or legitimate interests in the Disputed Domain Name. That is submitted on the following grounds, namely that:

(a) the Respondent does not have any trademark rights in "limdt" or "limdt.com", which terms have no apparent dictionary or other meaning and nor does the Respondent own a trademark for LINDT;

(b) there is no affiliation, business or other relationship between the Complainant and the Respondent;

(c) the Disputed Domain Name has not been used for a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy;

(d) the Respondent is not commonly known by the Disputed Domain Name within the meaning of paragraph 4(c)(ii) of the Policy;

(e) the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name within the meaning of paragraph 4(c)(iii) of the Policy;

(f) the Respondent has engaged in typosquatting;

(g) the Respondent has sought to impersonate and pass itself off as the Complainant;

(h) the Disputed Domain Name was additionally configured with multiple MX records, showing that it was capable of being used for e-mail communications and was probably intended by the Respondent to be used for deceptive e-mail activity impersonating the Complainant; and

(i) there is no other ground on which it could conceivably be argued that the Respondent has a right or legitimate interest in the Disputed Domain Name.

The Respondent has registered and used the Disputed Domain Name in bad faith on the grounds that:

- the Complainant's name and trademark are so prominent, well-known and renowned for the quality of its products that any unauthorized use of the LINDT trademark by using it in a domain name will almost certainly constitute registration and use in bad faith;
- the simplest degree of due diligence would have made any prospective registrant of the Disputed Domain Name aware of the Complainant's rights in the internationally recognisable LINDT trademark;
- contriving to build the Disputed Domain Name in such a transparently false and misleading manner as that adopted by the Respondent is a parasitic act;
- using the name of an employee of the Complainant for the purposes of registering the Disputed Domain Name, as the Respondent did, was in bad faith as it shows the intention of the Respondent to mislead internet users and engage in some form of fraud on the Complainant and third parties;
- the Respondent had actual notice of the trademark and the Complainant's rights in it when it, the Respondent, registered the Disputed Domain Name;
- the Respondent has engaged in passive holding of the Disputed Domain Name; and
- there is no plausible ground on which it could be argued that the Disputed Domain Name was registered and used otherwise than in bad faith.

Accordingly, it is submitted that the Complainant will be able to establish all of the elements it is required to prove and that it is entitled to the relief that is seeks, namely transfer of the Disputed Domain Name to itself.

Respondent

The Respondent did not file 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 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

This is a mandatory administrative proceeding pursuant to Paragraph 4 of the Uniform Domain Name Dispute Resolution Policy (the "Policy" or "UDRP") of the Internet Corporation for Assigned Names and Numbers ("ICANN"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the CAC Supplemental Rules.

1. Administrative requirements

On May 20, 2026, the CAC conducted the required Complaint Check in the Administrative Proceeding and determined that the Complaint was admitted to proceed further in the proceeding. Accordingly, the formal date of commencement of the Administrative Proceeding in accordance with Paragraph 4(f) of the Rules is May 20, 2026.

2. Substantive matters

Paragraph 15 of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable. In that regard, the Panel also notes that the onus is on the Complainant to make out its case, and past UDRP panels have consistently said that a complainant must show that all three elements of the Policy have been made out before any order can be made to transfer a domain name.

The Panel therefore turns to discuss the various issues that arise for decision on the facts as they are known.

For the Complainant to succeed it must prove, within the meaning of Paragraph 4(a) of the Policy, that:

(i) the 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 in respect of the domain name; and

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

The Panel will therefore deal with each of these requirements in turn.

1. Identical or Confusingly Similar.

The first issue that arises is whether the Complainant has a trademark on which it may rely in this proceeding. In that regard, the Panel finds that the Complainant has adduced evidence that the Panel accepts, that it is the registered owner of the LINDT trademark, particulars of which are set out above. That evidence is in documentary form that the Panel has examined and finds to be in order and that the LINDT trademark was registered well prior to the date on which the Respondent registered the Disputed Domain Name and is current. The Panel therefore finds that the Complainant has established its trademark rights and hence its standing to bring this proceeding.

The next issue is whether the Disputed Domain Name is confusingly similar to the LINDT trademark. The Panel finds that the Disputed Domain Name is confusingly similar to the LINDT trademark for the following reasons.

The evidence has established that on April 16, 2026, the Respondent registered the Disputed Domain Name which includes virtually the entirety of the LINDT trademark. The only exception is that a single spelling alteration has been made to it. The spelling alteration has been affected by the substitution of the letter “m” for the letter “n”. In that regard, the Complainant submits that it is significant that the letter “m” is adjacent to the letter “n” on a standard keyboard, making it clear that the intention of the Respondent and the effect of the change in spelling was to engender in the minds of internet users that they had come across an official and correctly spelt domain name of the Complainant and hence that the Disputed Domain Name was valid and legitimate. The Panel agrees, as internet users would undoubtedly interpret the Disputed Domain Name in that manner. Thus, the Respondent has clearly engaged in typosquatting. As a consequence, the Disputed Domain Name would be understood by internet users to be invoking the Complainant and its trademark. Moreover, an internet user, having seen the Disputed Domain Name and being minded to use it for an e-mail, may well repeat that formulation and assume that it was sending a valid e-mail to the Complainant, whereas in reality it would be sending a bogus e-mail to a malevolent recipient, namely the Respondent, with potential for it to perpetrate a fraud.

The Disputed Domain Name also includes the Top Level Domain “.com", but this cannot influence how a domain name is interpreted, as all domain names must have such an extension.

Accordingly, the Disputed Domain Name is confusingly similar to the Complainant’s trademark; it is similar to the trademark because its sole and dominant element is a misspelling of the Complainant's LINDT trademark, and it is confusingly similar because internet users would conclude that it was an official and genuine domain name of the Complainant, which it is not.

The Complainant has therefore established the first element that it must show under Paragraph 4(a)(i) of the Policy.

2. Rights or Legitimate Interests.

Under Paragraph 4(a)(ii) of the Policy, the Complainant has the burden of establishing that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

But by virtue of Paragraph 4(c) of the Policy, it is open to a respondent to establish its rights or legitimate interests in a domain name, among other circumstances, by showing any of the following elements:

(i) before any notice to you [the respondent] of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) you [the respondent] (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or

(iii) you [the respondent] are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Thus, if a respondent proves any of these elements or indeed anything else that shows that it has a right or legitimate interest in the domain name, the complainant will have failed to discharge its onus and the complaint will fail. It is also well-established that a complainant is required first to make out a prima facie case that the respondent lacks rights or legitimate interests and that when such a prima facie case is made out, the respondent carries the burden of demonstrating rights or legitimate interests in the domain

name. If the respondent cannot do so, a complainant is deemed to have satisfied Paragraph 4(a)(ii) of the Policy.

The Panel, after considering all of the evidence in the Complaint, finds that the Complainant has made out a strong prima facie case that the Respondent has no rights or legitimate interests in the Disputed Domain Name. The case is made stronger by the Complainant's having adduced relevant documentary evidence which the Panel accepts, and by the Complainant's citation and discussion of previously decided UDRP cases which support its contentions.

The Panel will address each of the grounds relied on by the Complainant in the order in which they have been submitted by the Complainant. There is obviously some overlap between the various grounds relied on and the Panel will therefore discuss the substance and thrust of the Complainant's submissions as a whole.

The grounds relied on are:

(a) the Respondent does not have trademark rights in "limdt" or "limdt.com", which terms have no apparent dictionary or other meaning and nor does the Respondent own a trademark for LINDT; the Respondent therefore cannot justify registering the Disputed Domain Name on the ground that it reflects some form of right that it has to use the expressions "limdt" or "limdt.com", as the evidence is that it does not have any such right and, in any event, the expressions do not mean anything and are obviously contrived and intended to be deceptive; likewise, the Respondent cannot claim that the Disputed Domain Name reflects its own trademark for LINDT, as the evidence is that it does not have any such trademark and it clearly would not have been able to register any such trademark in the same industry as that in which the Complainant was engaged; the Respondent therefore can have no right or legitimate interest in the Disputed Domain Name;

(b) there is no affiliation, business or other relationship between the Complainant and the Respondent; the evidence is that the Complainant has not given any permission or authority to the Respondent to register or use the Disputed Domain Name and there is no affiliation, business or other relationship between the Complainant and the Respondent; that being so, it could not be said that the Disputed Domain Name was registered with anything like the consent of the Complainant, which might then show a right or legitimate interest if made out on the evidence; in the present case, there is no such evidence;

(c) the Disputed Domain Name has not been used for a bona fide offering of goods or services within the meaning of paragraph 4(c)(i) of the Policy; the substance of what the Respondent has done is to register a domain name which it was not entitled to register and, in the course of doing so, it has used the name of an actual person who is employed by the Complainant in procurement, obviously to give an air of veracity to the registration; it has also configured the Disputed Domain Name with MX facilities, making it plain that the Respondent intended to use it for sending inevitably spurious e-mails for use in some sort of fraud or impropriety; it has then left the Disputed Domain Name in abeyance and not used it for any purpose, leaving it open to be used for the same fraudulent or improper purposes; there is no way in which such conduct could give rise to a right or legitimate interest in the Disputed Domain Name as that conduct is more akin to being mala fide rather than bona fide;

(d) the Respondent is not commonly known by the Disputed Domain Name within the meaning of paragraph 4(c)(ii) of the Policy; there is no evidence that the Respondent is known by the Disputed Domain Name and no evidence that it is known by any name other than its own;

(e) the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name within the meaning of paragraph 4(c)(iii) of the Policy; the Respondent's aforesaid machinations were clearly illegitimate, clearly commercial and clearly not fair, either to the Complainant or to internet users in general;

(f) the Respondent has engaged in typosquatting; this has already been made apparent by the obviously contrived spelling change in the Complainant's trademark, which could not possibly have been done for an honest or legitimate purpose;

(g) the Respondent has sought to impersonate and pass itself off as the Complainant; there can be only one reason why the Respondent used the name of an actual living person employed by the Complainant, and that reason was that it wanted to build up an air of legitimacy for the otherwise illegitimate scheme on which it had embarked; it is particularly worrying that the employee in question was employed in procurement for the Complainant, as it makes it more likely than not that the Respondent was minded to embark on a fraud or some other form of impropriety relating to the Complainant's procurement of goods and services;

(h) the Disputed Domain Name was additionally configured with MX records, showing that it was capable of being used for e-mail communications and was probably intended to be used for deceptive e-mail activity impersonating the Complainant; this has already been established on the evidence; and

(i) there is no other ground on which it could conceivably be argued that the Respondent has a right or legitimate interest in the Disputed Domain Name.

The Complainant has therefore made out its prima facie case. The Respondent has not rebutted the prima facie case as it is in default and has not filed a Response.

The Complainant has therefore made out the second of the three elements that it must establish under Paragraph 4(a)(ii) of the Policy.

3. Registration and Use in Bad Faith.

The Complainant must prove on the balance of probabilities both that the Disputed Domain Name was registered in bad faith and

that it is being used in bad faith.

Paragraph 4(b) of the Policy sets out four circumstances, any one of which is evidence of the registration and use of a domain name in bad faith, although other circumstances may also be relied on, as the four circumstances are not exclusive. The four specified circumstances are:

(i) circumstances indicating that the respondent has registered or 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 respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent 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 respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the site or location.

The Panel finds that the Complainant has shown that the Respondent registered and used the Disputed Domain Name in bad faith on all of the grounds relied on by the Complainant.

The Panel will deal with each of those grounds in the order in which they have been raised by the Complainant.

They are that:

- the Complainant's name and trademark are so prominent, well-known and renowned for the quality of its products that any unauthorized use of the LINDT trademark by using it in a domain name will almost certainly constitute registration and use in bad faith; the Respondent could not possibly have had any legitimate ground for registering the Disputed Domain Name when the Complainant's name, trademark, business and goodwill are so prominent; panels in this field have regularly, and specifically in the case of the Complainant, found that the very fact of such prominence makes it inherently unlikely that any party could have then registered and used such a domain name in good faith;
- the evidence shows that the simplest degree of due diligence would have made any prospective registrant of the Disputed Domain Name aware of the Complainant's rights in the internationally recognisable LINDT trademark; the fact that the Respondent did not undertake such due diligence or ignored the obvious result, shows that both the registration and use of the Disputed Domain Name were in bad faith;

- the evidence shows that contriving to build the Disputed Domain Name in such a transparently and knowingly false and misleading manner as that adopted by the Respondent, and described in more detail above, is a parasitic act which could not possibly be grounded in good faith;
- the evidence already referred to above shows that using the name of an employee of the Complainant for the purposes of registering the Disputed Domain Name, as the Respondent did, was in bad faith, as it shows the intention of the Respondent to mislead internet users and engage in some form of fraud on the Complainant and third parties, particularly in the field of procurement;
- the Respondent had actual notice of the Complainant, its trademark and its rights in that trademark when it, the Respondent, registered the Disputed Domain Name; the presence of such a famous trademark in a domain name indicates that the Respondent was well-aware of the Complainant and its trademark, knew its target and hence registered the Disputed Domain Name in bad faith; indeed, the Respondent could not have carried out its subterfuge unless it had actual knowledge of the Complainant, its trademark, famous brand and services;
- the Respondent has engaged in passive holding of the Disputed Domain Name; panels regularly find that if in effect a registrant has registered a domain name including a trademark with such prominence and has subsequently left the domain name in abeyance, with the potential for it to be used for improper purposes, that form of passive holding constitutes bad faith registration and use;
- in addition, the Respondent has clearly sought to generate confusion between the Complainant and the Respondent within the meaning of paragraph 4(b)(iv) of the Policy by registering the Disputed Domain Name which is confusingly similar to the LINDT trademark and in effect impersonating and passing itself off as the Complainant; the Respondent's subterfuge was devised for one reason, to give the false impression that it was the Complainant or was authorized by it, and that communications with the Respondent would be tantamount to communications with the Complainant, which was false; all of this amounted to generating confusion and this ground of bad faith is therefore made out; and
- there is no plausible ground on which it could be argued that the Disputed Domain Name was registered and used otherwise than in bad faith; the whole scenario revealed by the evidence is that the Respondent embarked on a course that it knew was unjustified and with a dishonest intention, showing that the Disputed Domain Name was registered and used in bad faith.

The Complainant has therefore made out the third of the three elements that it must establish under Paragraph 4(a)(iii) of the Policy.

The Complainant has thus established all of the elements it is required to prove under the Policy and has done so by the evidence.

The Complainant is therefore entitled to the relief that it seeks, namely transfer of the Disputed Domain Name.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **limdt.com**: Transferred

PANELLISTS

Name	**Neil Brown**

DATE OF PANEL DECISION 2026-06-15

Publish the Decision