

Decision for dispute CAC-UDRP-108689

Case number	CAC-UDRP-108689
Time of filing	2026-05-29 10:33:55
Domain names	lindtoneplaza.shop

Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG
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Complainant representative

Organization	SILKA AB
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Respondent

Name	WagnerJune
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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

In these proceedings, the Complainant relies on the following trademarks:

- LINDT (word), German Trademark Registration No. 91037, registered as of June 2, 1906 and duly renewed, in the name of Chocoladefabriken Lindt & Sprüngli AG (the Complainant);
- LINDT (word), US Trademark Registration No. 87306, registered as of December 20, 1910, in the name of Chocoladefabriken Lindt & Sprüngli AG (the Complainant), where Respondent is apparently located;
- Lindt (word/device), UK Trademark Registration No. UK00000551197, registered as of May 17, 1934, in the name of Chocoladefabriken Lindt & Sprüngli AG (the Complainant);
- LINDT (word), International Trademark Registration No. 217838, registered as of March 2, 1959, in the name of Chocoladefabriken Lindt & Sprüngli AG (the Complainant);
- LINDT (word), EU Trademark Registration No. 000134007, registered as of April 1, 1996, in the name of Chocoladefabriken Lindt & Sprüngli AG (the Complainant);
- LINDT (word), International Trademark Registration No. 936939, registered as of July 27, 2007, in the name of Chocoladefabriken Lindt & Sprüngli AG (the Complainant);

- LINDT (word), Brazilian Trademark Registration No. 826413609, registered as of August 14, 2007, in the name of Chocoladefabriken Lindt & Sprüngli AG (the Complainant).

It is worth noting that, the Complainant owns a plethora of "LINDT" trademarks, covering the majority of the countries of the world, which have not been cited in these proceedings, although they were included in a TMView list, as an annex to the Complaint.

FACTUAL BACKGROUND

The Complainant is a well-known large Switzerland-based chocolate and confectionery company, with some 15000 employees nowadays, active in over 120 countries around the world, including the United States of America, where the Respondent is apparently based.

The Complainant owns a large portfolio of trademarks worldwide, including the wording (and its company name, in part) "LINDT", among which are German and a US registrations dating back to 1906 and 1910, respectively. It also owns a multitude of related domain names, like <lindt.com> since December 16, 1997.

The disputed domain name <lindtoneplaza.shop> was registered on April 24, 2026 by the Respondent.

PARTIES CONTENTIONS

COMPLAINANT

The Complainant contends that the disputed domain name is confusingly similar to its LINDT trademark, as it is a combination of this wholly incorporated trademark and of two generic terms. This last element is sufficient to support the finding that the disputed domain name is confusingly similar to the Complainant's trademark. Indeed, the mere addition of the words "one" and "plaza" after the Complainant's trademark does not change the overall impression of a most likely connection with the trademark LINDT of the Complainant. As to the gTLD ".shop", the Complainant suggests that it should be disregarded, as per the usual practice.

The Complainant maintains that the Respondent lacks rights or legitimate interests in the disputed domain name because the Respondent is not known by the disputed domain name, the Complainant is neither affiliated with the Respondent nor has it ever authorised the Respondent to register its trademark as a domain name, and the Complainant has no business with the Respondent.

According to the Complainant, given the seniority, distinctiveness and worldwide reputation of the LINDT trademark, the Respondent registered the disputed domain name with full knowledge of the Complainant's trademark in an intentionally designed way, with the aim to create a likelihood of confusion with the Complainant's trademarks and domain names, and this is evidence of the fact that the disputed domain name was registered in bad faith. The addition of the words "one" and "plaza" does not change this view.

With respect to use in bad faith, the Complainant points out that the Respondent first used the disputed domain name in order to pass off its website as related to the Complainant's and, then, passively held the disputed domain name in an inactive website, facts that -in combination with the incorporation of a famous trademark in a domain name- prove use in bad faith.

For all these reasons, the Complainant concludes that the Respondent registered and used the disputed domain name in bad faith.

RESPONDENT

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).

The disputed domain name consists of the Complainant's whole trademark (LINDT), the addition of the generic words "one" and "plaza" after which is not sufficient to escape the finding that the disputed domain name is confusingly similar to the trademark of the Complainant. It can, in fact, even be argued that these two words could suggest to consumers a unique place, where one could purchase original LINDT products.

As far as the gTLD ".shop" is concerned, it is generally recognized that top level domains do not have any bearing in the assessment of identity or confusing similarity, according to paragraph 4(a)(i) of the Policy.

Hence, the Panel is satisfied that the first requirement under the Policy is met.

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).

Since proving a negative fact is almost impossible, Panelists in UDRP proceedings have generally agreed that it is sufficient for the Complainant to establish a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name to shift the burden of proof to the Respondent.

In the case at issue, the Complainant argued that it had never authorised the Respondent to register the LINDT trademark in a domain name, and that it had never licensed its trademark to the Respondent.

Furthermore, the Respondent has not demonstrated any use of the disputed domain name in connection with a bona fide offering of goods and services or a legitimate non-commercial or fair use of the disputed domain name.

Finally, there is no other evidence in the case file that could demonstrate that the Respondent has been commonly known by the disputed domain name.

In view of the foregoing, the Panel is satisfied that the Complainant has established a prima facie case that the Respondent lacks rights and legitimate interests in the disputed domain name. In order to rebut the Complainant's arguments, the Respondent had the possibility to make his own defense. However, the Respondent has chosen not to file a Response.

Therefore, the Panel is satisfied that also the second requirement under the Policy is met.

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).

As far as registration in bad faith is concerned, given the worldwide reputation of the Complainant's trademark and the fact that the disputed domain name fully incorporates this trademark, even with the addition of two generic words, it is rather clear that, at the time of the registration of the disputed domain name, the Respondent was well aware of the Complainant's trademark. The registration as a domain name of a third party's well-known trademark with full knowledge of the fact that the rights over this trademark belong to a third party amounts to registration in bad faith.

With respect to use in bad faith, the disputed domain name now resolves to an inactive website. Before being taken down, the disputed domain name had boasted a misleading commercial website, which aimed at creating a likelihood of confusion with the Complainant and its products, for commercial gain. For this Panel, such behaviour, combined with the well-known character of the Complainant's trademark, clearly amounts to bad faith use. Consequently, it is impossible for this Panel to conceive any plausible active use of the disputed domain name by the Complainant that would be legitimate.

Therefore, the Panel finds it clear that the disputed domain name was used in bad faith.

For all circumstances mentioned above, the Panel is satisfied that also the third requirement under the Policy is satisfied.

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

The disputed domain name wholly incorporates the Complainant's trademark next to generic words. The disputed domain name is therefore confusingly similar to the Complainant's trademark.

The Respondent was not authorised to include the Complainant's trademark in the disputed domain name, and the Complainant never licensed its trademark to the Respondent. The Respondent is not using the disputed domain name in connection with a bona

vide offering of goods or services, or a legitimate non-commercial or fair use.

The Respondent registered the disputed domain name with full knowledge of the Complainant's well-known trademark. Its use of the disputed domain name is in bad faith, as there is no conceivable use of the disputed domain name that could amount to a legitimate use.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lindtoneplaza.shop**: Transferred

PANELLISTS

Name	Sozos-Christos Theodoulou
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DATE OF PANEL DECISION **2026-07-06**

Publish the Decision
