Decision for dispute CAC-UDRP-108819

Case number	**CAC-UDRP-108819**
Time of filing	**2026-07-08 10:36:24**
Domain names	**lindtusashop.com, lindtusausstore.com, lindtusausoutlet.com, lindtusaushop.com**

Case administrator

Name	**Olga Dvořáková (Case admin)**

Complainant

Organization	**Chocoladefabriken Lindt & Sprüngli AG**

Complainant representative

Organization	**SILKA AB**

Respondent

Name	**lar frank**

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and relate to the disputed domain names.

IDENTIFICATION OF RIGHTS

The Complainant has adduced evidence that it owns the following trademarks in relation to the LINDT brand, which remain valid (in amended and current form and scope):

- German trademark No. 91037 registered on 27 September 1906 in Nice Classification Class 30 which covers cocoa and various permutations of chocolate and chocolate-based products;

- US trademark No. 87308 registered on 9 July 1912 in Nice Classification Class 30;

- Canadian trademark No. UCA26258 registered on 17 October 1946 in Nice Classification Class 30;

- International trademark No. 217838 registered on 2 March 1959 in Nice Classification Class 30 pursuant to Swiss trademark No. 117736 registered on 7 October 1946;

- EU trademark No. 000134007 registered on 7 September 1998 in Nice Classification Class 30;

- International trademark No. 936939 registered on 27 July 2007 in Nice Classification Classes 6, 14, 16, 18, 21, 25, 28 and 41 pursuant to Swiss trademark No. 556274 registered on 2 February 2007.

The Complainant further adduced trademark database extracts showing that it has 157 registrations of the LINDT brand in countries around the world. The Panel notes that the set of documented trademarks includes both word marks and figurative marks combining the LINDT brand with both graphical representations and with deposed digital photographic images of certain popular chocolate products in recent registrations.

The Complainant also adduced WHOIS evidence that the Complainant is the registrant of the domain names <lindt.com>, registered on 16 December 1997, <lindt-spruengli.com>, registered on 25 June 2007, and <lindtusa.com>, registered on 11 November 2001, as well as of a series of ccTLD domain names in respect of the LINDT brand in countries that include Switzerland, Italy, The Netherlands, the UK, China, Canada and Japan.

The Respondent registered the disputed domain names <lindtusashop.com> on 11 May 2026, <lindtusausstore.com> on 20 May 2026 and <lindtusausoutlet.com> on 27 May 2026.

The Complainant adduced screenshot evidence of the results of trademark searches it had performed in respect of the character strings contained in the stem of the disputed domain names, which showed that no matches with those strings were detected.

FACTUAL BACKGROUND

The Complainant is a Swiss chocolate manufacturing company that was founded in 1845 and has become a global leader at the premium quality end of the chocolate market. It has twelve factories in Europe and the United States while its products are sold through over forty subsidiaries and branches internationally, in its 620 own stores, through a global network of some 100 distributors and online. The Complainant's workforce numbers over 15,000 employees and its turnover was 5.92 billion Swiss francs in 2025, which includes sales under brands that the Complainant has acquired.

The Complainant avers that, for its operations in the United States, it employs its <lindusa.com> domain name, notably to promote and offer its products to the US public. It also adduced evidence of its recognition internationally as being among the leading chocolate brands and of its social media presence.

It further adduced screenshot evidence of the content of the three websites to which each of the disputed domain names resolved on the date its authorized representative accessed them, namely 30 June 2026. These sites all display the Complainant's products in the manner of an electronic commerce catalogue, complete with clickable buttons for the shopper to add items to a cart prior to payment. The prices shown are all in US dollars and are all heavily discounted; furthermore, "free shipping" is claimed to be assured.

The Complainant additionally submitted the texts of decisions by three previous CAC ADR panellists, all from 2026 (Cases CAC-UDRP-108412, CAC-UDRP-108417 and CAC-UDRP-108648), in which the same parties were involved as in the present proceeding. The same name spelling and format (lower case characters only) used by the Respondent in the contact details given when registering the disputed domain names considered in those cases were also given when registering the disputed domain names considered in the present proceeding. The target brand, however, was another of Complainant's and not the LINDT brand employed by the Respondent when registering the three disputed domain names in this proceeding. Each Panel in the previous CAC cases cited held against the Respondent according to the Policy and ordered transfer of the disputed domain names in question to the Complainant. Among those domain names was one which included "usshop" in the disputed domain name's stem. Lastly, the Complainant substantiated its widespread online reputation through screenshot evidence based upon search engine searches and included references to other prior CAC ADR Panels' decisions that held for it in instances of cybersquatting or typosquatting relative to its LINDT brand.

The Panel during its routine scrutiny of the Case File observed from the Registrar Verification report that the Respondent gave registration details that include, for the postal address, simply the name of the main financial and commercial district of Manila along with a Philippines mobile telephone number and a generic user name associated with a privacy protection e-mail provider. It then determined from the CAC Case Administrator's Notification of Delivery report that the CAC had received no proof of delivery or notification of non-delivery while "[n]o further email address could be found on the disputed website" while "according to our records, the Respondent never accessed the online platform". These indications of defective compliance with a registrant's obligation to provide accurate details under their registration agreement, combined with the evidence of three prior CAC decisions against the Respondent mentioned above, led the Panel, in the exercise of its general powers under Paragraph 10 of the UDRP Rules, to investigate whether a broader pattern of conduct appertains to this Respondent. It determined that various sources refer to the Respondent as an impersonator of legitimate brands and related websites and that several WIPO Panels have decided against the Respondent from 2023 onwards. These include:

- Buck Mason, Inc. v. no, lar frank, WIPO Case No. D2025-3635 (2 disputed domain names), in which the Panel found that "the Respondent is a serial offender who deliberately targeted the Complainant and is engaged in a pattern of bad faith conduct";

- L'Oréal v. no, lar frank, WIPO Case No. D2025-0476 (6 disputed domain names);

- Huda Beauty Limited v. no lar frank, WIPO Case No. D2025-4181 (1 disputed domain name);

- Euronext N.V. v. no, lar frank, WIPO Case No. D2023-2664 (2 disputed domain names).

The Respondent registered all of the disputed domain names in these cases with the same registrar as in the present proceeding.

At the technical level, the Respondent's apparent modus operandi was similar if not identical to that in the present proceeding, namely targeting commercially successful brands in the design and registration of domain names and the creation of websites mimicking the look and feel, functionalities and above all the branding and products of the entities targeted.

PARTIES CONTENTIONS

COMPLAINANT:

1. The domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights

The Complainant relies on its extensive trademark protection for its LINDT brand and points out that each of the disputed domain names wholly incorporates this distinctive brand, with the addition in the name's stem in one case of <usashop> and in the other two cases of <usausstore> and <usausoutlet>, i.e. to include the geographical abbreviation "USA" alone or together with "US". Inclusion respectively of the descriptive terms "shop", "store" and "outlet" do not reduce confusing similarity but increase it by association with the Complainant's own provision of online retail facilities over its websites, especially <lindtusa.com>. The technical <.com> extension can be disregarded.

2. The Respondent has no rights or legitimate interests in respect of the domain name

To the best of its knowledge and on the basis of its own inquiry into trademark registrations (see Identification of Rights), the Complainant contends that the Respondent has no trademark rights in respect of the disputed domain names while there is no reason to believe that the Respondent is known by any of them. Instead, the Respondent's corresponding websites prominently display the Complainant's brand and logo and have the look and feel of the Complainant's own retail websites, complete with use of the Complainant's own imagery and bogus copyright notices tailored to each disputed domain name. No authorization has been given to the Respondent by the Complainant to exercise any of its rights; nor is the Respondent related in any way with the Complainant. The Complainant hence contends that the Respondent has no rights or legitimate interests in respect of the disputed domain names, a contention also supported by prior ADR decisions ruling in the Complainant's favour in similar circumstances. Nor is there room for any supposition of fair use of the disputed domain names on grounds recognized by the Policy. To the contrary, the disputed domain names are merely being used in an intentionally misleading manner. Here, the removal of the websites content corresponding to the disputed domain names following the Complainant's take-down notices cannot affect the absence of any right or legitimate interest on the Respondent's behalf.

3. The domain name was registered and is being used in bad faith

The Complainant's LINDT brand is distinctive and well-known internationally and its distinctiveness has been recognized by prior ADR Panels. While any degree of diligence would have revealed the Complainant's trademarks to the Respondent, it is evident that the composition of the disputed names targets an illegitimate commercial utilization, which has already taken place, as shown in the evidence of website use submitted (see Factual Background). Particular attention is drawn to the Complainant's own use of its <lindtusa.com> domain name, to which the Respondent has merely added a retail descriptor in all of the disputed domain names and a repetition of a geographical indicator in two of them. Such additions cannot credibly be regarded as being coincidental or descriptive in any neutral sense. Rather, the circumstances shown in evidence submitted reflect the Respondent's prior knowledge of, and intention to trade on, the Complainant's trademark by creating a misleading impression of source, sponsorship, affiliation or endorsement. Further, the recent CAC UDRP ADR cases submitted in evidence confirm such inferences through demonstrating a broader pattern of abusive conduct on the Respondent's part with respect to the Complainant (see Factual Background). Lastly, the elaborate mimicking of the Complainant's (or its affilliates') websites in form, content and e-commerce functionality clearly shows a deliberate design plan was followed by the Respondent in order to impersonate the Complainant with respect to internet users in conjunction particularly with offers of its products at unauthorized discount prices. Such users themselves are exposed in such a scheme to the risk of misuse of their personal and financial information, fraud and phishing. All this, as rehearsed already in prior cases involving the parties, clearly amounts to bad faith in the sense of the Policy.

RESPONDENT:

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 interest in respect of the disputed domain names (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown that the disputed domain names have been registered and are 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 the UDRP were met and that there is no other reason why it would be inappropriate to provide a decision.

The Panel notes that, in its résumé of the Parties' contentions, citation of decisions of past Panels contained in the Amended Complaint has not been repeated in the present decision except where pertinent for arriving at determinations in this proceeding. A procedural contention made by the Complainant as to its having made a prima facie case that shifts the burden of proof has not been included in the résumé of the parties' contentions in this uncontested case in which compelling evidence on all factors related to the UDRP three-part cumulative case has been adduced by the Complainant. This part of the Complainant's argumentation is hence redundant and has accordingly not been considered by the Panel.

PRINCIPAL REASONS FOR THE DECISION

1. Discussion of the factual background and findings on evidential factors relative to the UDRP

This case concerns three disputed domain names registered by the Respondent. Essentially, the Complainant alleges that the Complainant has engaged in cybersquatting in each case and has produced evidence of the Respondent's impersonation of the Complainant, in particular through illegitimate trading on the Complainant's trademarks (and other intellectual property) on the Respondent's three websites which resolve respectively to the disputed domain names.

That line of evidential submission is then bolstered by independent evidence available to the Panel from the Registrar Verification and Notification of Delivery reports that form standard elements of the CAC ADR Case File (see Factual Background), as supplemented by the investigations the Panel made into the Respondent's prior conduct (ibid) and by the evidence of Cases CAC-UDRP-108412, CAC-UDRP-108417 and CAC-UDRP-108648 that the Complainant submitted. These cases add determinations in the Complainant's favour as to the Respondent's abusive registration and use in respect of five domain names. They also add to a greater number of determinations made by WIPO Panels in favour of other complainants (ibid).

In light of the above number of determinations against the Respondent, the Panel takes cognizance of the finding by the panellist in Buck Mason, Inc. v. no, lar frank, WIPO Case No. D2025-3635 that "the Respondent is a serial offender who deliberately targeted the Complainant and is engaged in a pattern of bad faith conduct". It notes that all of the cases mentioned were uncontested. The extent to which this set of determinations has probative value is to allow account to be taken of an already demonstrated wider scheme on the Respondent's part. This does not affect the requirement for all elements of the UDRP three-criterion cumulative test to be demonstrated and in no way implies that prior ADR decisions have precedential force (it being clear from Paragraph 10(a) of the Rules that each Panel is always responsible for the conduct of the case before it). But it does allow for a more expeditious approach because a Respondent's past conduct can be compared with that in the circumstances of the present case, and in this regard it is pertinent to observe that:

- each of the cases CAC-UDRP-108412, CAC-UDRP-108417 and CAC-UDRP-108648 involved the same target, that is, the Complainant in also the present proceeding;

- those cases, as with several of the WIPO cases mentioned, likewise involved impersonation of targeted entities and brands in e-commerce retail websites constructed and operated by the Respondent; and

- two of the CAC cases mentioned had been decided against the Respondent before the Respondent registered the disputed domain names in the present proceeding, while the filing of a complaint in the third case had been made before the first registration concerned in the present proceeding. If the Respondent provided a valid e-mail address at registration, as is required for <.com> domain name registration, the Respondent would have had to be aware of some or all of these proceedings.

2. Findings

Taking into account the evidence it has before it and the discussion under the preceding heading, the Panel finds for the purposes of the UDRP's cumulative three-part test that:

(1) The Complainant's rights in its LINDT brand have been fully established. The Respondent incorporated the Complainant's trademark for LINDT in the disputed domain names as the dominant first element and supplemented it in their stems either by adding the retail descriptor “shop” to the Complainant's own rendition of its brand in its <lindtusa.com> domain name or by adding a

double geographical indicator “usaus” (USA and US) followed by the retail descriptor “store” or “outlet”. By doing so, the Respondent has made the three disputed domain names optically and semantically confusingly similar to the Complainant's trademark in the context of online retail sales. For its part, choice of the generic Top-Level Domain name technical designator <.com> in the disputed domain names does not detract from such confusing similarity; indeed, the designator actually reinforces it because the Complainant's <lindtusa.com> domain name directed at the United States market uses the same gTLD while the content of the websites that resolve to the disputed domain names all employ US dollars in their pricing.

(2) The Respondent's contact details are, as noted above, on their face suspect and call into question the validity in the first place of the disputed domain names’ registrations. In light also of the Respondent’s past conduct of registering domain names to target brands and impersonate them on retail websites, as discussed under the preceding heading, and of the strong evidence adduced by the Complainant that this is what the Respondent has done with the disputed domain names in this case, there can be no question of fair use or longstanding or intrinsic association of the Respondent’s name with the stems of the disputed domain names. The Panel therefore has no difficulty in determining the lack of rights or a legitimate interest on the Respondent's part. It takes note of the Complainant’s diligent research into any trademarks the Respondent might have but it remarks that trademark law across different jurisdictions recognizes that misuse can give rise to a trademark's revocation or cancellation, making the mere fact of a trademark being substantiated in a UDRP proceedings no inherent barrier to a finding of lack of rights or legitimate interest in particular.

(3) The disputed domain was registered and is being used in – egregious – bad faith by reason of targeting the Complainant’s protected brand at registration through the clearly brand-targeted composition of the disputed domain names and then by impersonating the Complainant through the construction of corresponding retail e-commerce websites designed to mimic the identity, branding, functionalities and look and feel of the Complainant’s websites or those of its affiliates, and to do so unambiguously for illegitimate commercial gain. Such impersonation moreover, as indicated under the preceding heading, has all the signs of fitting into a wider scheme involving several other target brands, all with the intention of misleading internet users, including in the instance of this and other cases by inducing them to consider making purchases of what they might believe are the target entity's products at discounted prices. This contradicts the purpose both of the Domain Name System (DNS) and trademark law, which serve to channel communication correctly for especially internet users' or consumers' benefit. The bad faith registration and use just outlined thus stands as a textbook example for why the UDRP is an essential tool in combatting online scams based on abuse of the large segment of the DNS to which the Policy applies.

The Panel accordingly FINDS that all parts of the UDRP cumulative test have been fulfilled and ORDERS the transfer of the disputed domain names to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lindtusashop.com**: Transferred
2. **lindtusausstore.com**: Transferred
3. **lindtusausoutlet.com**: Transferred
4. **lindtusaushop.com**: Transferred

PANELLISTS

Name	**Kevin Madders**

DATE OF PANEL DECISION 2026-08-17

Publish the Decision