Decision for dispute CAC-UDRP-108858

Case number	**CAC-UDRP-108858**
Time of filing	**2026-07-22 16:07:50**
Domain names	**lindt-home-chocolate.com**

Case administrator

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

Complainant

Organization	**Chocoladefabriken Lindt & Sprüngli AG**
Organization	**Lindt Chocolate Competence Foundation**

Complainant representative

Organization	**SILKA AB**

Respondent

Organization	**Wilderman, Frami and Christiansen**

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

There are two related but corporately distinct Complainants in this proceeding. The first complainant is Chocoladefabriken Lindt & Sprungli AG (hereafter referred to as Complainant No. 1). The second Complainant is Lindt Chocolate Competence Foundation (hereafter referred to as Complainant No. 2). Each in its own capacity holds many trademarks.

Complainant No. 1 holds trademarks for the term LINDT, covering numerous jurisdictions around the world, including Germany, the United States, Canada. In Germany, its registration is No. 91037 dated 27/09/1906 and in Switzerland Registration No. 2P-349150 dated 29/10/1986 in Class 30.

Complainant No. 2 holds trademarks for the terms LINDT HOME OF CHOCOLATE and HOME OF CHOCOLATE in Switzerland and China. Specifically for Switzerland its registration is No. 711339 dated 28 Dec 2017 in Classes 16, 25, 28, 29, 30, 35, 41, 43.

CONSOLIDATION: MULTIPLE COMPLAINANTS

The Complainants have petitioned to have their claims consolidated into a single proceeding for the evident reason that they share a clear and specific common grievance against the Respondent. Specifically, the Respondent registered <lindt-home-chocolate.com> on June 23, 2026, which incorporates the LINDT mark in full and the HOME OF CHOCOLATE and LINDT HOME OF CHOCOLATE marks almost in their entirety.

The Complainants jointly assert that the composition of the disputed domain name and the Respondent's use of it affects both Complainants in an equivalent manner. Moreover, the Complainants say, the consolidation of the present proceeding would be fair and equitable to all parties.

Complainant No. 2 is a Swiss non-profit foundation established by Complainant No. 1, and the factual background and legal issues underlying this dispute are substantially identical for both of them, thereby justifying the filing of a single complaint in respect of the disputed domain name. A consolidated proceeding they say would also promote procedural efficiency, ensuring that the Respondent receives proper notice and a full opportunity to present their arguments in one unified case rather than in multiple proceedings based on the same facts and issues, without any prejudice to its rights and while reducing unnecessary time and costs.

In support of this request for consolidation, they cite an earlier case CAC-UDRP-107625 involving the same Complainants, where the disputed domain name was comparable to the Domain Name in the present proceeding and the issue of consolidating the Complainants was specifically addressed by the panel:

The Complainants assert a specific common grievance against the Respondent, who has registered the domain names <lilndt-home-of-chocolate.com> and <lindtmuseumtickets.com> in a manner which targets both Complainants' trademarks. The domain names incorporate confusingly similar variations of the marks and have resolved to the same, identical/near identical websites, falsely suggesting an affiliation with the Complainants. The use of terms such as 'home of chocolate' and 'museum tickets' is particularly misleading given the Second Complainant's operation of the Lindt Home of Chocolate Museum.

This Panel is in agreement with the Complainants and accepts, not for efficiency alone but also that it makes common sense, to consolidate the proceedings. See Cantor Fitzgerald Securities, Cantor Index Limited v. Mark Mark, Chen Xian Sheng/Whois Protect, WIPO Claim No. D2014-0125 in which the Panel consolidated on a finding that “[t]he Complainants established that they both belong to the Cantor Fitzgerald Group commonly introducing themselves and their services by <cantor.com> to the Internet users."

FACTUAL BACKGROUND

Complainant No. 1 is a Swiss enterprise founded in 1845 that has established itself as one of the world's foremost producers of premium chocolate. During more than 180 years of continuous operation, it has built a significant international footprint, comprising 12 production sites, more than 600 branded stores, and a distribution network supported by over 100 independent partners worldwide. It employs in excess of 15,000 people and, in 2025, achieved sales of CHF 5.92 billion together with operating profits of CHF 971 million. Its products are available in more than 120 countries and encompass approximately 2,500 items marketed under several well known brands, including LINDT, GHIRARDELLI, and RUSSELL STOVER. The Complainant reported sales of CHF 5.47 billion in 2024.

Complainant No. 2 is a Swiss non-profit foundation established by Complainant No. 1 to promote knowledge, innovation, and public engagement in relation to chocolate through the LINDT HOME OF CHOCOLATE, a distinctive museum and center of excellence devoted to Swiss Chocolate. The LINDT HOME OF CHOCOLATE is located at the Complainants' headquarters in Kilchberg, Switzerland. Since opening its doors in 2020, the museum has become one of the country's most popular cultural attractions, welcoming hundreds of thousands of visitors annually and exceeding one million visitors overall. The facility offers an immersive experience dedicated to the heritage, craftsmanship, and traditions of Swiss chocolate through seven interactive exhibition spaces, a tasting area, one of the world's largest chocolate fountains, and the largest Lindt Chocolate Shop worldwide. The remarkable success and international visibility of the Lindt Home of Chocolate further enhance the goodwill, reputation, and recognition associated with the Complainants and the LINDT brand.

PARTIES CONTENTIONS

COMPLAINANTS:

The Complainants contend that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

The Complainants explain that the disputed domain name currently does not resolve to an active website. This is solely the result of the takedown action initiated by the Complainants. Prior to the takedown, the Domain Name was used in connection with a website that misleadingly conveyed the impression of being affiliated with, authorized by, or operated on behalf of the Second Complainant.

Further, in specific:

1. the website previously associated with the Domain Name closely replicated the appearance and content of the Second Complainant's official website, reproducing identical or substantially similar elements, including the background video, page structure, headings, photographs, textual content, typography, and distinctive Lindt Home of Chocolate branding; and

2. the website further featured a purported ticket-booking process through which users were invited to select a date of visit, an entry time, and a ticket category before being redirected to a page requesting personal information, including their full name, email address, and telephone number.

Complainants noted that the website to which the disputed domain name resolved falsely claimed to provide reservations to the official Lindt Home of Chocolate Museum. Such use cannot be regarded as legitimate. Rather, it was inherently deceptive and carried a substantial risk of collecting users' personal data under false pretences, potentially enabling its misuse for fraudulent purposes.

Complainants further state that the disputed domain name <lindt-home-chocolate.com> incorporate the LINDT and MUSEUM trademarks and the word “Chocolate” which references the Complainants‘ separate but related entities. This juxtaposing of the Complainant’s LINDT trademark with the descriptive term ‘chocolate’ and the TLD ‘.com’, creates a high risk of implied affiliation and cannot constitute fair use.

In addition, the Complainants contend that they have no business relationship with Respondent and have not granted it permission to incorporate Complainants’ marks in the disputed domain name. Further, the Complainant states that Respondent and registered and is using the disputed domain name in bad faith.

The Complainant’s conclude that taken as a whole, the above circumstances leave little room for any good-faith explanation for the Respondent's conduct. The Complainants therefore maintain that the disputed domain name was deliberately registered to capitalize on the Complainants' trademark rights and subsequently used in a manner that further evidences bad faith, thus fulfilling the requirement of paragraph 4(a)(iii) of the Policy.

RESPONDENT:

The Respondent has not appeared formally or informally to controvert the evidence submitted by the Complainant.

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

PROCEDURAL FACTORS

Paragraph 15(a) of the Rules for the UDRP ('the Policy') instructs this Panel to "decide a complaint on the basis of the statements and documents submitted in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Pursuant to Paragraph 4(a) of the Policy the Complainant is required to prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

(i) the domain name registered by respondent is identical or confusingly similar to a trademark or service mark in which complainant has rights; and
(ii) 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.

In view of the Respondent's failure to submit a response, the Panel shall decide this administrative proceeding on the basis of the

Complainant's undisputed representations and adduced proof pursuant to paragraphs 5(f), 14(a) and 15(a) of the Rules and draw such inferences it considers appropriate pursuant to paragraph 14(b) of the Rules. The Panel is entitled to accept all reasonable allegations and inferences set forth in the Complaint and annexes as true unless the evidence is clearly contradictory. See Talk City, Inc. v. Robertson, D2000-0009 (WIPO February 29, 2000) (In the absence of a response the Panel “is left to render its decision on the basis of the uncontroverted contentions made, and the evidence supplied, by complainant.”)

1. Identical or confusingly similar, paragraph 4(a)(i) of the Policy.

To succeed under the first element, a complainant must pass a two-part test, to establish first that it has rights, and thereafter that the disputed domain name is either identical or confusingly similar to the mark. The first element of a UDRP complaint “serves essentially as a standing requirement.” See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (“WIPO Overview 3.1”), section 1.7.

Here, the Complainants have established that they have separate rights in the word marks LINDT and MUSEUM LINDT by providing the Panel with the evidence that they have registered trademarks in many international jurisdictions. The consensus view which the Panel adopts is that a national or an international trademark registration is sufficient to establish rights in that mark. Thus, for the purposes of the Policy the Panel finds that the Complainants have established that each has a right. See WIPO Overview 3.0, section 1.2.1 that encapsulates the consensus view.

The second part of the test calls for comparing the Complainant’s mark with the disputed domain name. It entails “a straightforward visual or aural comparison of the trademark with the alphanumeric string in the domain name. In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is clearly recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark." WIPO Overview 3.1 at section 1.8. The dominant features are LINDT and HOME OF CHOCOLATE.

Where the relevant trademark is recognizable within the disputed domain name as it is here it is sufficient to establish confusing similarity. As the Panel noted in Bloomberg Finance L.P. v. Nexperian Holding Limited, Claim No. FA 782013 (Forum June 4, 2018), where the “relevant trademark is recognisable within a disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) does not prevent a finding of confusing similarity under the first element.”

The addition of the gTLD ".com" does not have any impact on the overall impression of the dominant portion of the disputed domain name and is therefore irrelevant in determining the confusing similarity with LINDT. See WIPO Overview 3.1 section 1.11.

Accordingly, Complainant has satisfied Paragraph 4(a)(i) of the Policy.

2. Rights and legitimate interests, paragraph 4(a)(ii) of the Policy.

To establish the second of the three elements, the Complainant must first demonstrate that Respondent lacks rights and legitimate interests in the disputed domain name. Recognizing that the proof for establishing this element is under the Respondent's control, the Complainant's may satisfy this burden by offering a prima facie case based on such evidence as there is thus shifting the burden of persuasion to the Respondent to produce evidence sufficient to overcome the presumption that it lacks rights or legitimate interests in the disputed domain name.

The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that it did not authorize the Respondent to register the disputed domain name, the Respondent is not using the domain name for any bona fide use, it cannot claim to be known by the name "LINDT" as it has been identified in the Whois directory as Tinni JarngerÒardÓttir.

The Complainant has further adduced evidence based on the use of the disputed domain name that Respondent is not using it for any non-commercial or fair use. See Croatia Airlines d. d. v. Modern Empire Internet Ltd., WIPO Case No. D2003-0455 (the Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made out, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a) (ii) of the Policy). See also Advanced International Marketing Corporation v. AA-1 Corp, FA 780200 (Forum November 2, 2011) (finding that a complainant must offer some evidence to make its prima facie case and satisfy Policy paragraph 4(a)(ii).

Here, the Complainant has satisfied the Panel that it has set forth a prima facie case and the burden thereupon shifts to Respondent. The Policy sets forth the following nonexclusive list of factors any one of which if proved would satisfy Respondent’s burden, but the absence of any evidence supports a complainant's contention that the respondent lacks rights or legitimate interests in the disputed domain name.:

(i) "[B]efore any notice to you 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."

(ii) "[Y]ou (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."

(iii) "[Y]ou are making a legitimate non-commercial 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."

Here, the disputed domain name is virtually identical to the Complainants’ marks. See Emerson Electric Co. v. golden humble

/golden globals, Forum Clain No. FA 1787128 (holding that "lack of evidence in the record to indicate a respondent is authorized to use [the] complainant's mark may support a finding that [the] respondent does not have rights or legitimate interests in the disputed domain name per Policy ¶ 4(c)(ii)"). The failure of a party to submit evidence on facts in its possession and under its control may permit the Panel to draw an adverse inference regarding those facts. See Mary-Lynn Mondich and American Vintage Wine Biscuits, Inc. v. Shane Brown, doing business as Big Daddy's Antiques, WIPO Case No. D2000-0004.

As the Respondent has not controverted the evidence that it lacks right or legitimate interests in the disputed domain name, the Panel finds that the Complainant has satisfied Paragraph 4(a)(ii) of the Policy.

1. Registration and Use in Bad faith:

It is the Complainant's burden under Paragraph 4(a)(iii) of the Policy to prove that the Respondent both registered and is using the disputed domain name in bad faith. It is not sufficient for a complainant to rest its case on the finding under Paragraph 4(a)(ii) of the Policy, although the fact that the Respondent lacks rights or legitimate interests in the disputed domain name will be a factor in assessing its purpose or intention for registering a domain name that is virtually identical to the Complainant's mark.

The Policy provides a non-exclusive list of circumstances that evidence registration and use of a domain name in bad faith. The preamble to Paragraph 4(b) states: "For the purposes of Paragraph 4(a)(iii) [the finding of any of the circumstances] shall be evidence of the registration [...] of a domain name in bad faith":

(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 the 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 its 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 respondent's website or location or of a product or service on the respondent's website or location.

The Complainant's proof in this case focuses the Panel's attention on the fourth factor. As there is no proof that would support the other factors, the Panel will not address them. Complainants contend that the Respondent has targeted the Complainants' marks for the purpose of taking advantage of their goodwill and reputation to attract Internet users to its website. This conduct "creat[es] a likelihood of confusion [...] as to the source, sponsorship, affiliation, or endorsement of [its] website".

In the absence of a respondent to explain and justify its registration and use of a domain name corresponding to a famous or well-known mark, a Panel is compelled to examine the limited record for any exonerative evidence of good faith. Here, the Panel finds none. The Respondent has appropriated Complainants' well-known marks, indeed in their niche famous marks, to serve an infringing purpose. See Royal Bank of Canada - Banque Royale Du Canada v. Registration Private, Domains By Proxy, LLC / Randy Cass, D2019-2803 (WIPO February 23, 2020) (<investease.com>), the Panel noted: "It is clear that where the facts of the case establish that the respondent's intent in registering or acquiring a domain name was to unfairly capitalize on the complainant's [...] trademark, panels have been prepared to find the respondent acted in bad faith."

What is material here is that the Respondent has registered and, before it was taken down, is using the disputed domain name adversely to Complainants' statutory rights, and giving consumers a clear impression that it is a website sponsored by the Complainants. As the domain name could not conceivably be used without infringing on those rights its registration was also in bad faith. See Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Claim No. D2000-0003. The Panel in Singapore Airlines Ltd. v. European Travel Network, WIPO Claim No. D2000-0641 held that "[t]he registration of domain names obviously relating to the Complainant is a major pointer to the Respondent's bad faith and desire to 'cash in' on the Complainant's reputation."). See also Justice for Children v. R neetso / Robert W. O'Steen, WIPO Case No. D2004-0175 (holding that "harm results from the confusion caused by the initial attraction to the site by means of borrowing complainant's mark. And that is exactly the harm the Policy was adopted to address.").

For these reasons, the Panel finds that the Respondent is using the disputed domain name in bad faith.

As the Complainants have demonstrated that the Respondent registered and is using the disputed domain name in bad faith, it has satisfied 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. **lindt-home-chocolate.com**: Transferred

PANELLISTS

Name	**Gerald Levine Ph.D, Esq.**

DATE OF PANEL DECISION 2026-08-20

Publish the Decision