

Decision for dispute CAC-UDRP-108881

Case number CAC-UDRP-108881

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Domain names lindtbelgie.com, lindt-canada.com, lindtnederland.com, lindtportugal.com

Case administrator

Name Olga Dvořáková (Case admin)

Complainant

Organization Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization SILKA AB

Respondent

Name vanessa schultheiss

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 names.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several LINDT trademarks for, inter alia, goods in class 30, registered worldwide, including:

- German trademark LINDT with registration number 91037 of September 27, 1906;
- Canadian trademark LINDT with registration number UCA26258 of October 17, 1946; and
- European Union trademark LINDT with registration number 000134007 of September 7, 1998.

FACTUAL BACKGROUND

The Complainant is a Swiss-based company that has operated in the chocolate and confectionery sector since 1845. The Complainant's international presence is supported by 12 manufacturing sites, more than 600 branded retail outlets, and a distribution network comprising over 100 independent partners across numerous countries. The Complainant has more than 15,000 employees globally, and generated revenues of CHF 5.92 billion and operating profits of CHF 971 million in 2025. In addition to the use of its LINDT trademark, the Complainant is present on the major social media platforms and it owns and operates the domain name <lindt.com>, which was registered on December 16, 1997, and has been actively used since 1998. This domain name functions as a gateway to the Complainant's various country-specific websites, automatically directing users to the version corresponding to their geographic location.

The disputed domain names were all registered on June 18, 2026. The disputed domain names resolved to websites in Dutch (<lindtbelgie.com> and <lindtnederland.com>), English (<lindt-canada.com>) and Portuguese (<lindtportugal.com>) that featured the Complainant's LINDT trademark, used an overall design, layout, and visual presentation closely resembling those of the Complainant's official websites accessible through <lindt.com>, displayed images of the Complainant's LINDT branded products which it offered for sale in Canadian dollars (<lindt-canada.com>) and euros (the three other disputed domain names), and required Internet users to provide personal information. The Complainant has submitted screen captures of the websites to which the disputed domain names resolved, which do not show any disclaimers regarding the Respondent's association with the Complainant, nor any other information about the seller or operator of the websites. The Respondent has not rebutted the Complainant's allegation that the websites did not contain any clear, accurate, or sufficiently prominent statement informing Internet users that the Respondent lacked any affiliation with the Complainant. The Complainant undisputedly contends that it submitted takedown requests with respect to the disputed domain names, after which the associated websites were taken down. The disputed domain names do not currently resolve to active websites.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain names should be transferred to it.
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 interests 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 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 UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Respondent did not reply to the Complainant's contentions. However, the consensus view of UDRP panels is that the Respondent's default does not automatically result in a decision in favor of the Complainant. The Complainant must still establish each of the three elements required by paragraph 4(a) of the Policy. Although the Panel may draw appropriate inferences from a respondent's default, paragraph 4 of the Policy requires the Complainant to support its assertions with actual evidence in order to succeed in these proceedings. Paragraph 14(b) of the Rules provides that, in the absence of exceptional circumstances, the Panel shall draw such inferences as it considers appropriate from a failure of a party to comply with a provision or requirement of the Rules. The Panel finds that in this case, there are no such exceptional circumstances.

1. The disputed domain names are confusingly similar to the Complainant's trademark

It is well established that the Top Level Domain ("TLD") – in the present case ".com" – may be disregarded in the assessment under paragraph 4(a)(i) of the Policy (WIPO Overview of WIPO Panel Views on Selected UDRP Questions ("WIPO Overview 3.1"), section 1.11).

The disputed domain names incorporate the Complainant's trademark LINDT in its entity, and in all of the disputed domain names, a

country name in (one of) the original languages has been added to the Complainant's trademark (that is, the added terms "Nederland" and "België" mean the Netherlands and Belgium, respectively, in Dutch). Such additions do not prevent a finding of confusing similarity between the disputed domain names and the Complainant's LINDT trademark (WIPO Overview 3.1, section 1.8).

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

The Complainant must make a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names, which the Respondent may rebut (e.g., Croatia Airlines d.d. v. Modern Empire Internet Ltd., WIPO Case No. D2003-0455; also WIPO Overview 3.1, section 2.1).

The Panel takes note of the various allegations of the Complaint and, in particular, that the Respondent does not appear to hold any trademark rights in the terms relating to the disputed domain names, nor is there any indication that it has become commonly known by any of these names. Further, the Complainant alleges that the Respondent has no discernible relationship with the Complainant and is neither affiliated with nor connected to it in any way, nor has the Complainant granted the Respondent any authorization, license, or other permission to use the LINDT trademark, whether as part of the disputed domain names or in any other manner. The Complainant further alleged that the disputed domain names, before they became inactive after the Complainant files a takedown notice, resolved to websites that created the misleading impression of being connected with, authorized by, or endorsed by the Complainant as it displayed the Complainant's LINDT trademark, used images of the Complainant's products, and encouraged purchases, requested personal data from Internet users during the checkout process and account creation. The Panel considers it likely that the activities conducted by the Respondent with the disputed domain names were intended to give website visitors the impression that they were visiting official websites of the Complainant, an impression that was not dispelled by the presence of a disclaimer on the websites and/or other measures to eliminate confusion about the origin of the websites, while the request for personal information is indicative of phishing activities. The Respondent has not presented any arguments to explain its conduct. Impersonating the Complainant's official website and engaging in phishing activities can never constitute a bona fide offering of goods or services, nor a legitimate non-commercial or fair use of the disputed domain name. Such conduct fails the Ok! Data test because impersonation and phishing-type activity, can never confer rights or legitimate interests under established UDRP precedent (cf. CAC-UDRP-108094).

The Panel is satisfied that the Complaint succeeded in making a prima facie case that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

3. The disputed domain names have been registered and used in bad faith

The Complainant has demonstrated that it had registered the LINDT trademark approximately 120 years prior to the registration of the disputed domain names, and the Complainant has uncontestedly asserted that the LINDT trademark was well known at the time the Respondent registered the disputed domain name, which is known to the Panel from its own knowledge and is further confirmed by panels in previous UDRP proceedings, as submitted by the Complainant. Because the disputed domain names, immediately or shortly after registration, resolved to website which mimicked the Complainant's website, the Panel considers it likely that the Respondent must have registered the disputed domain names with the LINDT trademark in mind. Consequently, the Panel is satisfied that the disputed domain names were registered in bad faith.

The Complainant must also prove that the Respondent uses the disputed domain name in bad faith. The disputed domain names resolved to websites that used the Complainant's trademarks and product images, and impersonated the Complainant's official website, from which the Panel infers that the Respondent deliberately attempted to attract internet users for commercial gain by creating confusion with the well-known LINDT brand of the Complainant, which results in a presumption of bad faith.

Since the disputed domain names are currently not used, the Panel also considers that panelists have found that the non-use of domain names would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panelists have found that the registration and non-use of domain names can still constitute bad faith for purposes of the Policy. Factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, (iii) the respondent's taking active steps to conceal its identity or (iv) the use of false or inaccurate contact details (noted to be in breach of the respondent's registration agreement). WIPO Overview 3.1, section 3.3. Given the circumstances of this case, and more specifically the recent prior use of the disputed domain names and the Respondent's failure to provide any clarification, the Panel finds that it is not plausible that the disputed domain name could be used in good faith, and that the current passive holding of the disputed domain names does also not preclude a finding of bad faith under the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lindtbelgie.com**: Transferred
2. **lindt-canada.com**: Transferred

- 3. [lindtnederland.com](#): Transferred
- 4. [lindtportugal.com](#): Transferred

PANELLISTS

Name	Alfred Meijboom
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DATE OF PANEL DECISION	2026-08-26
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Publish the Decision
