Decision for dispute CAC-UDRP-108922

Case number	CAC-UDRP-108922
Time of filing	2026-08-14 10:09:16
Domain names	lindorpistachio.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	Umair Afzal

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 owns several "LINDOR" trademarks, registered worldwide, such as:

Trademark	Jurisdiction	Registration Number	Registration Date	Class(es) Covered
LINDOR	International	145636	28 Feb 1950	30
LINDOR	Australia	454328	27 Oct 1986 (Priority Date)	30
LINDOR	Switzerland	377233	12 Jul 1990	30

LINDOR	United States	1729638	3 Nov 1992	30
LINDOR	Canada	TMA468718	14 Jan 1997	30
LINDOR	European Union	005640602	18 Mar 2009	6, 14, 16, 18, 21, 25, 28

(hereinafter cumulatively referred to as the "Trademark").

FACTUAL BACKGROUND

The Complainant, founded in 1845, is a well-known Swiss chocolate manufacturer and a global leader in the premium chocolate category. It produces high-quality chocolates at 12 factories in Europe and the United States. Its products are sold by 41 subsidiaries and branch offices, in more than 600 of its own stores, as well as via a global network of approximately 100 distributors. With over 15,000 employees, the Complainant reported sales of CHF 5.92 billion in 2025.

The disputed domain name <lindorpistachio.com> was registered on May 24, 2026 and resolves to a active website which is offering the Complainant's LINDOR Pistachio Milk Chocolate Truffles and reproducing LINDOR product imagery and branding.

PARTIES CONTENTIONS

COMPLAINANT:

The Complainant contends that the disputed domain name is confusingly similar to the Trademark.

Furthermore, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. In this regard, the Complainant states that the Respondent is not commonly known by the disputed domain name, that it is not affiliated with nor authorized by the Complainant in any way, that the Complainant does not carry out any activity for, nor has any business with the Respondent, and that neither license nor authorization has been granted to the Respondent to make any use of the Trademark or apply for registration of the disputed domain name by the Complainant.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. It contends that the Respondent must have been aware of the Complainant and its Trademark at the time of registration of the disputed domain name, as the Trademark is well-known. Further, the Respondent's use of the disputed domain name is evidence of bad faith, as it has been used to offer for sale goods identical to those offered by the Complainant without any disclaimer of non-affiliation.

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).

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

Under paragraph 4(a) of the Policy, the Complainant must prove that each of the following three elements is present:

(i) the disputed domain name is identical or confusingly similar to the Complainant's trademark; and

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

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

1. The Panel accepts that the disputed domain name is confusingly similar to the Trademark, as it incorporates the Trademark in its entirety. The word “pistachio” is descriptive and at the same time directly associated with the Complainant’s LINDOR range, including its LINDOR Pistachio Milk Chocolate Truffles, and therefore, not in a position to alter the finding of confusing similarity.

2. Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

The Respondent does not appear to have operated any bona fide or legitimate business under the disputed domain name and is not making a noncommercial or fair use of the disputed domain name. Instead, the disputed domain name has been used to impersonate the Complainant and offer for sale products that are either the same or similar to those of the Complainant. The use of the disputed domain name in such a manner clearly demonstrates that the Respondent has no rights or legitimate interests in the disputed domain name.

Consequently, the Panel finds that the Complainant has fulfilled its obligations under paragraph 4(a)(ii) of the Policy. The Respondent did not deny these assertions in any way and therefore failed to prove any rights or legitimate interests in the disputed domain name.

3.1 The Panel is satisfied that the Respondent registered the disputed domain name with full knowledge of the Complainant and its rights in the Trademark, as the Trademark is well-established and well-known.

3.2 Furthermore, the Panel accepts the Complainant's contentions that the disputed domain name has been used in bad faith under para. 4(b)(iv) of the Policy. The Respondent has used the disputed domain to intentionally attract users to its website by creating a likelihood of confusion with the Trademark as to the source, sponsorship, affiliation, or endorsement of the website and by capitalising on Complainant's reputation.

Consequently, by using the disputed domain name in such a manner, the Respondent has fulfilled the elements and requirements for a finding under paragraph 4(a)(iii) of the Policy. The Panel finds that the Complainant has also established the third element of the Policy successfully.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lindorpistachio.com**: Transferred

PANELLISTS

Name	**Stefanie Efstathiou LL.M. mult.**

DATE OF PANEL DECISION 2026-09-11

Publish the Decision