Decision for dispute CAC-UDRP-108981

Case number	CAC-UDRP-108981
Time of filing	2026-09-08 09:46:49
Domain names	lindt-switzerland.com

Case administrator

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

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Name	Andre Boyarsky

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 has a substantial portfolio of LINDT trademark registrations in numerous countries and regions around the world. A representative selection of the Complainant's trademark registrations is listed below.

Trademark	Jurisdiction	Registration Number	Registration Date	Class(es) Covered
LINDT [device]	International	1277242	7 Oct 2015	29, 30, 32
LINDT	European Union	000134007	7 Sep 1998	30
LINDT	International	576529	10 Sep 1991	30

[device]				
LINDT [device]	Switzerland	362386	22 Jun 1988	30
LINDT	Switzerland	349150	29 Oct 1986	30, 32
LINDT	Canada	UCA26258	17 Oct 1946	30
LINDT [device]	United Kingdom	UK00000551197	17 May 1934	30
LINDT	United States	87306	9 Jul 1912	30
LINDT	Germany	91037	27 Sep 1906	30

FACTUAL BACKGROUND

Founded in 1845, the Complainant is a long-established Swiss company with its roots in Zurich, and a global leader in the premium chocolate category. The Complainant produces quality chocolates today at its 12 factories in Europe and the USA. Its products are sold by 41 subsidiaries and branch offices in around 650 of its own stores as well as via a network of around 100 distributors in 120 countries. With around 15,500 employees, the Complainant reported sales of CHF 5.92 billion in 2025 and achieved a market capitalization of CHF 27 billion.

As its business operations have grown and expanded internationally, the Complainant has obtained and maintained a substantial portfolio of LINDT trademark registrations in numerous countries and regions around the world and maintains an extensive commercial and online presence.

The Complainant also operates the domain name <lindt.com>, registered on December 16, 1997, through which Internet users are directed to its official country-specific websites.

The disputed domain name was registered on August 1, 2026. It combines the LINDT trademark with a hyphen and the geographical term “Switzerland”, followed by the generic Top-Level Domain (“gTLD”) “.com”.

The disputed domain name does not resolve to an active website. The Complaint also identifies configured MX records. The Complaint does not identify any actual phishing messages or other fraudulent email communications.

PARTIES CONTENTIONS

Complainant:

The Complainant contends that the disputed domain name is confusingly similar to its LINDT trademark because it incorporates the mark in its entirety. The hyphen, geographical term “Switzerland”, and gTLD do not prevent confusing similarity.

The Complainant submits that it has not authorized the Respondent to use its trademark, that the Respondent is not commonly known by the disputed domain name, and that there is no bona fide offering of goods or services or legitimate noncommercial or fair use. The Complainant further submits that the disputed domain name misleadingly suggests an official connection with its Swiss business.

The Complainant contends that the Respondent registered the disputed domain name with knowledge of its well-known trademark. It relies on the mark’s reputation, the reference to its country of origin, passive holding, apparently incomplete or inaccurate registration details, and the configuration of MX records.

The Complainant requests transfer of the disputed domain name.

Respondent:

The Respondent did not submit a Response.

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

A. Identical or Confusingly Similar

The Complainant's registrations establish rights in the LINDT trademark for purposes of paragraph 4(a)(i) of the Policy.
The disputed domain name reproduces the trademark LINDT in its entirety. The mark remains clearly recognizable notwithstanding the hyphen and the term "Switzerland". The Panel disregards the gTLD ".com" for this comparison. See WIPO Overview of WIPO Panel Views on Select UDRP Questions, Third Edition, version 3.1 ("WIPO Overview 3.1"), sections 1.2.1, 1.7, 1.8, and 1.11.1.
The Panel therefore finds the disputed domain name confusingly similar to a trademark in which the Complainant has rights. Paragraph 4(a)(i) of the Policy is satisfied.

B. Rights or Legitimate Interests

The Complainant has made out a prima facie case through its denial of authorization, the absence of any indication that the Respondent is commonly known by the disputed domain name, and the absence of any identified bona fide use or demonstrable preparations for such use. The burden of production consequently shifts to the Respondent, while the ultimate burden of proof remains with the Complainant.
The record discloses no use falling within paragraph 4(c) of the Policy. The inactive website provides no evidence of an offering of goods or services, a genuine informational site, or another legitimate purpose. Inactivity alone would not determine this element, but here it is accompanied by a domain name closely identifying the Complainant and its country of origin.
The combination "lindt-switzerland" naturally suggests the Complainant's Swiss operations or an official national website. Nothing in the record indicates that the Respondent selected it for an independent meaning or for a legitimate activity connected with the Respondent. In these circumstances, its composition carries a risk of implied affiliation.
There is no evidence before the Panel rebutting the Complainant's prima facie case. The Panel therefore finds that the Respondent has no rights or legitimate interests in the disputed domain name. Paragraph 4(a)(ii) of the Policy is satisfied.

C. Registration and Use in Bad Faith

The Complainant's LINDT trademark was registered and extensively used long before August 1, 2026. Its longstanding international chocolate business supports a finding that the mark enjoyed a substantial reputation when the disputed domain name was registered.
The Respondent incorporated the exact mark and added "Switzerland", the Complainant's country of origin. That combination is particularly significant: it connects the mark to the geographical origin of the business identified by it. On the balance of probabilities, the selection reflects knowledge of, and deliberate targeting of, the Complainant rather than coincidence.
There is no apparent connection between the Respondent and the combined expression, and no supported explanation for the registration independent of the Complainant's trademark. Taken together, these circumstances establish registration in bad faith.

The absence of an active website does not preclude bad-faith use. The passive holding doctrine requires consideration of the surrounding circumstances, rather than a finding based solely on inactivity. See Telstra Corporation Limited v. Nuclear Marshmallows, WIPO Case No. D2000-0003, and WIPO Overview 3.1, section 3.3.

Here, the Panel places particular weight on the reputation of the LINDT mark, the domain name's precise combination of that mark with the Complainant's country of origin, the absence of any identified legitimate purpose, and the misleading impression of an official Swiss presence created by the domain name.
Although a geographical term can have legitimate uses, its combination with LINDT in this case points directly to the Complainant. No concrete circumstances in the record suggest an independent, good-faith reason for the Respondent's continued holding of this particular domain name. The Panel finds such a use implausible on the present record. This is a finding about these circumstances, rather than a proposition that every domain name containing a trademark is necessarily incapable of legitimate use.

The configured MX records do not, without more, prove that phishing or fraud has occurred, or that the Respondent personally configured them for such a purpose. Nevertheless, the domain name's capacity to support email communications reinforces the concern arising from its misleading composition. The Panel's finding does not depend on an inference of actual fraudulent email use.
The Complainant also alleges that the registration details omit a street address and identify a city that does not exist in Pakistan. A missing address or unsuccessful Internet search is not, by itself, conclusive proof of deliberate falsification. It is unnecessary to decide that allegation, because the circumstances identified above independently support the finding of bad faith.

The Panel accordingly finds that the disputed domain name was registered and is being used in bad faith. Paragraph 4(a)(iii) of the Policy is satisfied.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lindt-switzerland.com**: Transferred

PANELLISTS

Name	**Jan Schnedler**

DATE OF PANEL DECISION 2026-10-06

Publish the Decision