Decision for dispute CAC-UDRP-109024

Case number	CAC-UDRP-109024
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Domain names	lindtextracreamy.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG

Complainant representative

Organization	SILKA AB

Respondent

Organization	Dynadot

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 holds numerous trademark registrations for LINDT in various jurisdictions, as well as a registration for LINDT EXTRA CREAMY, all in Class 30. For the purposes of this decision, the Panel considers it sufficient to note the following:

- Swiss word mark LINDT EXTRA CREAMY, registration No. 836066, registered on September 9, 2025, in Class 30;
- European Union word mark LINDT, registration No. 000134007, registered on September 7, 1998, in Class 30;
- German word mark LINDT, registration No. 91037, registered on September 27, 1906, in Class 30; and
- United States word mark LINDT, registration No. 87306, registered on July 9, 1912, in Class 30.

FACTUAL BACKGROUND

The Complainant is a Swiss manufacturer of chocolate and confectionery products, founded in 1845. It operates 12 production sites in Europe and the United States, employs approximately 15,500 people, and reported sales of CHF 5.92 billion in 2025.

The disputed domain name <lindtextracreamy.com> was registered on July 15, 2026.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name 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 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

1. Identical or confusingly similar

The first element of paragraph 4(a) of the Policy is a threshold standing test involving a comparison between the relevant trademark and the disputed domain name. The Complainant has established registered rights in the word marks LINDT and LINDT EXTRA CREAMY.

The second-level domain “lindtextracreamy” reproduces the LINDT EXTRA CREAMY word mark in its entirety, omitting only the spaces. It also incorporates the earlier, distinctive LINDT word mark in its entirety, followed by the words “extra creamy”, which are associated with a chocolate product marketed under the Complainant’s brand. The generic Top-Level Domain “.com” is disregarded as a standard registration requirement (WIPO Overview 3.1, sections 1.7, 1.8 and 1.11.1).

The Panel therefore finds that the disputed domain name is identical to the Complainant’s LINDT EXTRA CREAMY word mark and confusingly similar to its LINDT word mark. The first element is satisfied.

2. Rights or legitimate interests

A complainant must establish a prima facie case that the respondent lacks rights or legitimate interests. Once such a case is established, the burden of production shifts to the respondent to demonstrate rights or legitimate interests in the disputed domain name. If the respondent fails to do so, the complainant satisfies paragraph 4(a)(ii) of the Policy (WIPO Overview 3.1, section 2.1; WIPO Case No. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

In the present case, the Panel finds that the Complainant’s submissions establish a prima facie case that the Respondent lacks rights or legitimate interests.

The Complainant states that it has not authorized the Respondent to register or use the disputed domain name and has no affiliation with the Respondent. The evidence does not indicate that the Respondent is commonly known by LINDT EXTRA CREAMY or that it has used the disputed domain name for a bona fide offering of goods or services or for legitimate noncommercial or fair use. Instead, the evidence submitted by the Complainant shows that the disputed domain name redirected to a marketplace offering it for sale.

Trading in descriptive or generic domain names may be legitimate. However, the disputed domain name is not a generic designation selected independently of another party's trademark rights. It reproduces the Complainant's distinctive LINDT mark and exactly matches its separately registered product designation LINDT EXTRA CREAMY. Its composition creates a significant risk of implied affiliation (WIPO Overview 3.1, section 2.5.1).

The Complainant's prima facie case has not been rebutted by any evidence on the record. The Panel therefore finds that the second element is satisfied.

3. Registration and use in bad faith

Paragraph 4(a)(iii) of the Policy requires the Complainant to establish that the disputed domain name was registered and is being used in bad faith. The circumstances listed in paragraph 4(b) are non-exhaustive. Paragraph 4(b)(i) concerns circumstances indicating that a respondent registered or acquired a domain name primarily to sell, rent, or otherwise transfer it to the trademark owner or a competitor for valuable consideration exceeding documented out-of-pocket costs directly related to the domain name.

The Panel finds that the Respondent's choice of the disputed domain name indicates targeting of the Complainant. The LINDT mark has been registered and used for decades and is widely recognized in the chocolate sector. More significantly, the Swiss word mark LINDT EXTRA CREAMY was registered on September 9, 2025, before the disputed domain name was registered on July 15, 2026. The disputed domain name does not merely combine LINDT with an arbitrary or common word; it reproduces the Complainant's registered three-word product designation exactly. This makes an independent coincidence implausible.

The evidence submitted by the Complainant further shows that on September 14, 2026, less than two months after registration, the disputed domain name led to a marketplace page offering "LindtExtraCreamy.com" for USD 1,888 or under a lease-to-own arrangement of USD 156 per month for 12 months plus a USD 190 down payment. The screenshot records an offer on a third-party platform, not an offer expressly directed to the Complainant. Offering a domain name for resale, even at a profit, does not in itself establish bad faith (WIPO Overview 3.1, section 3.1.1).

Here, however, the nature of the disputed domain name is decisive. It exactly matches a registered mark combining a famous chocolate brand with a specific product descriptor. These circumstances support the inference that the domain name was offered for sale because of its association with the Complainant and its trademark rights. The Panel therefore finds that the Respondent selected the disputed domain name for its trademark-related value and used it to seek commercial gain from that association. This constitutes registration and use in bad faith under paragraph 4(a)(iii) of the Policy.

Having considered the documentary evidence and the competing inferences as a whole, the Panel finds that the combination of longstanding trademark rights, the exact reproduction of the separately registered LINDT EXTRA CREAMY trademark, and the absence on the record of any credible independent reason for selecting the designation is sufficient to establish the third element.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lindtextracreamy.com**: Transferred

PANELLISTS

Name	**Karel Šindelka**

DATE OF PANEL DECISION 2026-10-29

Publish the Decision