Decision for dispute CAC-UDRP-109044

Case number	CAC-UDRP-109044
Time of filing	2026-10-01 11:19:32
Domain names	lindt-chocolate-museum-ch.com, lindt-chocolate-museum-swiss.com, lindt-schokolade-haus-ch.com, lindt-chocolatte-museum-ch.com, lindt-chocolatte-museum-ch.online, lindt-schokolade-museum-ch.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Chocoladefabriken Lindt & Sprüngli AG
Organization	Lindt Chocolate Competence Foundation

Complainant representative

Organization	SILKA AB

Respondent

Name	Retrob Sawer

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 First Complainant, Chocoladefabriken Lindt & Spruengli AG, owns an extensive portfolio of trade marks consisting of or incorporating the name LINDT, including the German national trade mark LINDT, registration number 91037, first registered on 27 September 1906 in international class 30; the United States national trade mark LINDT, registration number 87306, first registered on 9 July 1912 in international class 30; the Canadian national trade mark LINDT, registration number UCA26258, first registered on 17 October 1946 in international class 30; the international trade mark LINDT, registration number 217838, first registered on 2 March 1959 in international class 30; the Swiss national trade mark LINDT, registration number 349150, first registered on 29 October 1986 in international classes 30 and 32; and the European Union trade mark LINDT, registration number 000134007, first registered on 7 September 1998 in international class 30.

The Second Complainant, Lindt Chocolate Competence Foundation, owns the following trade marks consisting of or incorporating the name LINDT HOME OF CHOCOLATE: the Swiss national word trade mark LINDT HOME OF CHOCOATE, registration number 711339, first registered on 28 December 2017 in international classes 16, 25, 28-30, 35, 41, and 43; and the Swiss national device trade mark LINDT HOME OF CHOCOATE, registration number 817549, first registered on 17 July 2024 in international classes 16, 25,

28-30, 35, 41, and 43.

The Complainants' trade mark registrations all predate the registration of the disputed domain names. The Panel accepts the Complainants' submissions that their trade marks LINDT and LINDT HOME OF CHOCOLATE are distinctive and well-known.

Furthermore, the First Complainant owns the domain name <lindt.com>, registered on 16 December 1997, which consists of and incorporates the name LINDT, and automatically re-directs users to localised websites through which the First Complainant informs Internet users and consumers about its products and services. The Second Complainant owns and operates the domain name <lindt-home-of-chocolate.com>, registered on 27 November 2017, which consists of and incorporates the name LINDT HOME OF CHOCOLATE and provides information about the Second Complainant's activities.

FACTUAL BACKGROUND

Founded in 1845, the First Complainant is a long-established Swiss company with its roots in Zurich, and a global leader in the premium chocolate category. Today, the First Complainant produces quality chocolates at 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 First Complainant reported sales of CHF 5.92 billion in 2025 and achieved a market capitalization of CHF 27 billion.

The Second Complainant is a Swiss not-for-profit foundation created in 2013 by the First Complainant with the purpose of advancing research, education, and the dissemination of knowledge relating to chocolate. Among its activities, it operates the Lindt Home of Chocolate Museum in Kilchberg, a facility comprising, inter alia, an interactive multimedia exhibition, research facilities and a dedicated chocolate shop. In 2025, the Lindt Home of Chocolate Museum attracted more than 850,000 visitors and organised more than 2,000 guided tours.

The present proceeding concerns the following disputed domain names:

<lindt-chocolate-museum-ch.com>, registered on 22 August 2026;

<lindt-chocolate-museum-swiss.com>, registered on 24 August 2026;

<lindt-schokolade-haus-ch.com>, registered on 31 August 2026;

<lindt-chocolatte-museum-ch.com>, registered on 26 August 2026;

<lindt-chocolatte-museum-ch.online>, registered on 27 August 2026;

<lindt-schokolade-museum-ch.com>, registered on 30 August 2026.

The disputed domain names were all registered to the Respondent through the same registrar within a few days of each other. As at the time of the amended complaint and of this decision, the disputed domain names all resolve to inactive websites. However, the Complainants have adduced evidence to show that five of the six disputed domain names previously resolved to websites impersonating the Second Complainant and imitating its official website, including for the purported sale of tickets to the Second Complainant's museum. While the disputed domain name <lindt-schokolade-haus-ch.com> previously resolved to a purportedly informational website, which claimed no affiliation with the Complainants, and included a disclaimer to that effect, the contact e-mail address provided by that website linked it to one of the other websites that was previously used purportedly to offer tickets to the Second Complainant's museum and therefore linked it to the general scheme operated by the Respondent.

PARTIES CONTENTIONS

The Complainants contend that all three elements of the UDRP have been fulfilled and they therefore request the transfer of the disputed domain names to the Second Complainant.

No administratively compliant response has been filed.

RIGHTS

The Complainants have, to the satisfaction of the Panel, shown the disputed domain names are identical or confusingly similar to a trade mark 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 Complainants have, 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 Complainants have, 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 present proceeding raises a number of procedural factors as follows. First, the complaint in this proceeding originally related to a further disputed domain name <lindt-schokolade-haus-cih.online>. Following receipt of the registrar verification in relation to the further disputed domain name, the Complainants clarified in their amended complaint that they had removed the further disputed domain name from their amended complaint and that their amended complaint now concerned only the remaining six disputed domain names outlined above. The Panel notes that the further disputed domain name was withdrawn from the proceeding before the case administrator notified the commencement of the administrative proceeding to the Respondent and before the Panel was appointed. The present decision is therefore only concerned with the remaining six disputed domain names outlined above.

Secondly, the Complainants have requested that their claims against the Respondent be heard together in the present proceeding. Pursuant to paragraph 10(e) of the Rules, the Panel has authority to consolidate multiple domain name disputes. The applicable principles concerning consolidation of multiple complainants against a single respondent are further addressed in WIPO Overview 3.0, section 4.11.1. In considering whether claims brought by more than one complainant should be dealt with in a single proceeding, panels generally examine whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation. The Panel accepts in this regard the Complainants' submissions that, although they are legally separate entities, the First and Second Complainants have closely connected interests relevant to the present dispute. The First Complainant is a longstanding international manufacturer of premium chocolate products and the owner of the well-known LINDT brand. The Second Complainant is a Swiss non-profit foundation created by the First Complainant with the purpose of promoting knowledge, expertise and education relating to chocolate through the LINDT HOME OF CHOCOLATE initiative. Their relationship is therefore reflected not only in their institutional connection, but also in the branding and activities presented to the public. In particular, the Second Complainant carries out its activities in close association with the LINDT mark of the First Complainant. As a consequence, both Complainants have a common interest in safeguarding their respective trade marks and in preventing unauthorised third parties from exploiting the commercial and reputational association between them. Furthermore, the Panel also accepts that the Respondent's conduct challenged in this proceeding gives rise to the same grievance for both Complainants. The Respondent registered six disputed domain names incorporating elements that are identical or confusingly similar to the Complainants' marks (as to which see further below) and has used them in connection with similar websites impersonating the Second Complainant, imitating the Second Complainant's official website, and creating the misleading impression that they are affiliated with, endorsed by, or otherwise connected to the Second Complainant. Turning next to the second criterium, namely, that of equity and procedural efficiency, the Panel notes that the disputes in relation to all six disputed domain names arise from a substantially common factual matrix and reflect the same pattern of conduct by the Respondent, namely, the registration and use of multiple domain names targeting interconnected trade marks belonging to the Complainants and directing Internet users to the same or substantially similar unauthorised websites. Requiring the Complainants to pursue separate proceedings in respect of such closely connected conduct would unnecessarily duplicate the factual and legal assessment. The Panel is therefore satisfied that it is appropriate in the circumstances to permit consolidation of the Complainants' complaints against the Respondent.

Thirdly, the Complainants request that their complaints against the six disputed domain names be consolidated in a single proceeding. Paragraph 3(c) of the Rules contemplates that a single complaint may concern more than one domain name where the domain names at issue are registered by the same domain name holder. The Panel is satisfied that all six disputed domain names have been registered by the Respondent and that it is therefore also appropriate that the complaints in relation to the disputed domain names are consolidated in this proceeding.

The Panel is satisfied that all other 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

With regard to the first UDRP element, the Panel finds that the disputed domain names are all confusingly similar to the Complainants' trade marks LINDT and LINDT HOME OF CHOCOLATE. Indeed, the disputed domain names all incorporate the First Complainant's trade mark in its entirety but add various descriptive terms in different languages as suffixes to the First Complainant's trade mark that evoke the concepts embodied in the Second Complainant's trade mark LINDT HOME OF CHOCOLATE, are confusingly similar to the Second Complainant's trade mark, and allude to the services associated with the Second Complainant's trade mark, namely, the Lindt Home of Chocolate Museum. Moreover, the composition of the disputed domain names further reinforces their confusing similarity with the Complainants' trade marks insofar as they incorporate the geographical indicators "Swiss" or "CH", which are associated with Switzerland, the Complainants' country of origin. The Panel follows in this respect the view established by numerous other decisions that a domain name which wholly incorporates a Complainant's registered trade mark may be sufficient to establish confusing similarity for the purposes of the UDRP (see, for example, WIPO Case No. D2003-0888, Dr. Ing. h.c. F. Porsche AG v. Vasiliy Terkin <porsche-autoparts.com>). The Panel further considers it to be well established that the addition of a descriptive or geographical term does not allow a domain name to avoid confusing similarity with a trade mark (see, for example, WIPO Case No. D2019-2294, Qantas Airways Limited v. Quality Ads <qantaslink.com>; and CAC Case No. 102137, Novartis AG v. Black Roses <novartiscorp.com>). Other panels have previously found that "[W]here the relevant trademark is recognizable within the Disputed Domain Name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element" (see WIPO Overview 3.0, section 1.8; and, for example, WIPO Case No. D2023-2542, Merryvale Limited v. tao tao <wwbetway.com>; and WIPO Case No. D2020-0528, Philip Morris Products S.A. v. Rich Ardtea <global-iqos.com>). Against this background, the Panel finds that the addition of the various descriptive terms and geographical indicators to the Complainants' trade marks is not sufficient to alter the overall impression of the designation being connected with the Complainants' trade marks and does not prevent a likelihood of confusion between the disputed domain names, the Complainants and their trade marks. To the contrary, the disputed domain names rather add to the likelihood of confusion because their composition, and the fact that five of the six disputed domain names previously resolved to websites impersonating the Second Complainant and imitating its official website, imply that the disputed domain names are linked to the Complainants and their business.

With regard to the second UDRP element, there is no evidence before the Panel to suggest that the Respondent has made any use of, or demonstrable preparations to use, the disputed domain names in connection with a bona fide offering of goods or services. Neither is there any indication that the Respondent is making legitimate non-commercial or fair use of the disputed domain names. Indeed, the disputed domain names are not being used for any active website but resolve to inactive pages. A lack of content at the disputed domain has in itself been regarded by other panels as supporting a finding that the Respondent lacked a bona fide offering of goods or services and did not make legitimate non-commercial or fair use of the disputed domain name (see, for example, Forum Case No. FA 1773444, Ashley Furniture Industries, Inc v. Joannet Macket/JM Consultants). Although currently inactive, the Complainant adduced evidence to show that five of the six disputed domain names previously resolved to websites impersonating the Second Defendant, imitating the Second Complainant's official website, and purporting to offer tickets for the Second Complainant's Lindt Home of Chocolate Museum. The Complainants further adduced evidence to show that the website accessed through the sixth disputed domain name, although purportedly an informational website, was linked to one of the other websites through its contact e-mail address and therefore formed part of the Respondent's scheme of impersonating the Second Complainant. The Panel categorically agrees with the established view that the use of a domain name for illegal activity can never confer rights or legitimate interests on a respondent. The Panel follows in this regard an established line of cases: CAC Case No. 101578 <ARLEFOOD.COM> found that "To the contrary, it appears that the Respondent has used the disputed domain name to impersonate the Complainant and fraudulently attempt to obtain payments and sensitive personal information. The use of the disputed domain name in connection with such illegal activities cannot confer rights or legitimate interests on the Respondent"; see also CAC Case No. 102290 <PEPSICOGDV.COM> (carrying out phishing attacks spoofing the Complainant's identity to send fraudulent emails for financial gain); CAC Case No. 103393 <SonyCreativeSoftware.Info> ("the use of a domain name for illegal activity (e.g. phishing) can never confer rights or legitimate interests on a respondent"); WIPO Case No. D2021-2097, Ivax LLC v. Contact Privacy Inc. Customer 0161280011/ Name Redacted <ivaxcorporation.com> ("use of a domain name for illegal activity – including the impersonation of the complainant and other types of fraud – can never confer rights or legitimate interests on a respondent"; and WIPO Case No. D2019-2045, Auchan Holding v. Domains By Proxy, LLC / NAME REDACTED <achats-auchan.com>. The Panel further finds that the Respondent is not affiliated with or related to the Complainants in any way and is neither licensed nor otherwise authorised to make any use of the Complainants' trade marks, or to apply for or use the disputed domain names. Additionally, the Whois information for the disputed domain names does not suggest that the Respondent is commonly known by any of the six disputed domain names. Past panels have held that a respondent was not commonly known by a disputed domain name if the Whois information was not similar to the disputed domain name, as is equally not the case here (see, for example, Forum Case No. FA 1781783, Skechers U.S.A., Inc. and Skechers U.S.A., Inc. II v. Chad Moston / Elite Media Group <bobsfromsketchers.com> ("Here, the WHOIS information of record identifies Respondent as "Chad Moston / Elite Media Group." The Panel therefore finds under Policy ¶ 4(c)(ii) that Respondent is not commonly known by the disputed domain name under Policy ¶ 4(c)(ii).")). Against this background, and absent any response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of the disputed domain names.

With regard to the third UDRP element, the Panel considers that the Respondent must clearly have been aware of the Complainants' LINDT and LINDT HOME OF CHOCOLATE names and trade marks because he deliberately used the disputed domain names to impersonate the Second Complainant for the presumed purpose of misleading Internet users into believing that they were dealing with official websites of the Complainants. The Panel again follows an established line of cases in finding that registration and use of a domain name for improper purposes constitutes bad faith. (See, for example: WIPO Case No. D2018-1815: "Respondent registered the disputed domain name which is nearly identical in appearance to Complainant's distinctive trademark. As the

disputed domain name effectively impersonates Complainant, there is no evident ground for Respondent to have selected it, other than for using it to induce Internet users, including email recipients, to confuse the owner/sponsor of a website or the sender of an email with Complainant and its products. Regrettably, it is not uncommon for domain names which closely approximate distinctive trademarks to be used as instruments of fraud or other abuse. Respondent has failed to provide any explanation for its decision to register the disputed domain name, and the Panel is unable to discern or infer any plausible legitimate reason for Respondent to have registered the disputed domain name. These circumstances are sufficient to establish Respondent's registration and use of the disputed domain name in bad faith". See further: CAC Case No. 101578, where the panel concluded that: "As recognized in previous UDRP decisions, the use of a domain name for purposes other than to host a website may constitute bad faith where, like in the case at hand, the circumstances suggest that the disputed domain name has been used for fraudulent purposes such as the sending of deceptive emails to obtain sensitive or confidential personal information or to solicit payment of fraudulent invoices by the Complainant's actual or prospective customers"). Furthermore, if the Respondent had carried out a Google search for the terms "Lindt" and "Lindt Chocolate Museum", or similar associated terms as reflected in the composition of the disputed domain names, the search results would have yielded immediate results related to the Complainants and their connected businesses, products and services. Indeed, it is likely that the disputed domain would not have been registered if it were not for the Complainants' trade marks (see, for example, WIPO Case No D2004-0673 Ferrari Spa -v- American Entertainment Group Inc <ferrariowner.com>). Considering that the Respondent registered six disputed domain names it is difficult to suggest that their registration was merely coincidental. While the disputed domain names are now inactive, it is also difficult to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate on the grounds that it would constitute passing off, an infringement of consumer protection legislation, or an infringement of the Complainants' rights under trade mark law under circumstances where the disputed domain name corresponds to the Complainants' well-known trade marks. The Panel accepts the Complainants' submission that the Respondent sought to attract Internet users to his own websites for commercial gain, based on the Complainants' trade marks, which constitutes further evidence of bad faith (see, for example, WIPO Case No D2018-0497, StudioCanal v. Registration Private, Domains By Proxy, LLC / Sudjam Admin, Sudjam LLC ("In that circumstance, whether the commercial gain from misled Internet users is gained by the Respondent or by the Registrar (or by another third party), it remains that the Respondent controls and cannot (absent some special circumstance) disclaim responsibility for, the content appearing on the website to which the disputed domain name resolve […] so the Panel presumes that the Respondent has allowed the disputed domain name to be used with the intent to attract Internet users for commercial gain, by creating a likelihood of confusion with the Complainant's trademark as to the source, affiliation, or endorsement of the Respondent's website to which the disputed domain name resolves. Accordingly, the Panel finds that the disputed domain name was registered and is being used in bad faith.")). Absent any response from the Respondent, or any other information indicating the contrary, the Panel therefore also accepts that the Respondent has registered and is using the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **lindt-chocolate-museum-ch.com**: Transferred
2. **lindt-chocolate-museum-swiss.com**: Transferred
3. **lindt-schokolade-haus-ch.com**: Transferred
4. **lindt-chocolatte-museum-ch.com**: Transferred
5. **lindt-chocolatte-museum-ch.online**: Transferred
6. **lindt-schokolade-museum-ch.com**: Transferred

PANELLISTS

Name	**Gregor Kleinknecht LLM MCIArb**

DATE OF PANEL DECISION 2026-11-15

Publish the Decision