

## **ADMINISTRATIVE PANEL DECISION**

Chocoladefabriken Lindt & Sprüngli AG v. REDACTED FOR PRIVACY  
Case No. DCO2024-0080

### **1. The Parties**

The Complainant is Chocoladefabriken Lindt & Sprüngli AG, Switzerland, represented by SILKA AB, Sweden.

The Respondent is REDACTED FOR PRIVACY, United Kingdom.

### **2. The Domain Name and Registrar**

The disputed domain name <lindt-spruengli.co> is registered with Spaceship, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 1, 2024. On November 1, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 4, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (Redacted for Privacy Purposes, Privacy Service Provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 4, 2024, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on November 5, 2024.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on November 7, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 27, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 29, 2024.

The Center appointed Fabrizio Bedarida as the sole panelist in this matter on December 2, 2024. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### 4. Factual Background

The Complainant in this administrative proceeding, Chocoladefabriken Lindt & Sprüngli AG, is a Swiss company. The origins of the Complainant's company date back to 1836, when David Sprüngli and his son bought a small confectionery shop in the old town of Zürich and began producing chocolates under the name David Sprüngli & Son. In 1899 they acquired the chocolate factory of Rodolphe Lindt, becoming "Aktiengesellschaft Vereinigte Berner und Zürcher Chocoladefabriken Lindt & Sprüngli". Since then, the Complainant has expanded the company by acquiring several chocolate factories. The Complainant has also opened over 410 chocolate cafes and shops all over the world. The Complainant's products are sold and distributed throughout an extensive network of more than 100 distributors in over 120 countries. The Complainant is today one of the largest chocolate confectionery companies in the world.

The Complainant has numerous registrations for the LINDT and LINDT & SPRUNGLI trademarks (hereinafter the LINDT trademarks) around the world. A detailed list of the Complainant's registered LINDT trademarks was provided as an annex to the Complaint.

The Complainant is, inter alia, the owner of the following:

United States of America Trademark registration No. 87306 for LINDT registered on July 9, 1912;

European Union Trademark registration No. 005677224 for LINDT & SPRÜNGLI registered on February 2, 2008; and

United Kingdom trademark registration No. UK00903722543 for LINDT (device) registered on October 10, 2005.

The Complainant enjoys significant goodwill and reputation in the LINDT trademarks.

The Complainant claims to be the owner of several domain names under both the generic and country-code Top-Level Domains ("gTLD" and "ccTLD") containing its LINDT and LINDT SPRUNGLI trademarks, including:

<lindt.com> (created on December 16, 1997);  
<lindtsprüngli.com> (created on September 11, 2001);  
<lindtsprungli.com> (created on October 3, 2010);  
<lindt.store> (created on June 14, 2016);  
<lindt.online> (created on May 11, 2024);  
<lindtchocolate.com> (created on June 25, 1996); and  
<lindtchocolate.org> (created on October 3, 2000).

The disputed domain name was registered on July 28, 2024.

The disputed domain name resolves to a webpage containing pay-per-click ("PPC") links, some of these referring to activities in the same field as that of the Complainant. In addition, on the website at the disputed domain name the message "FOR SALE! "Buy this domain The domain lindt-spruengli.co may be for sale!", is displayed.

The Complainant's representatives, in an attempt to resolve the matter amicably, sent a cease and desist letter to the Respondent via email. The Respondent did not respond.

## 5. Parties' Contentions

### A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Complainant's trademarks and the Company's official name, Lindt & Sprüngli AG, with a minor misspelling "Sprüngli" vs. "spruengli"; that the Respondent has no rights or legitimate interests in respect of the disputed domain name, and particularly that the Respondent was aware of the Complainant's renowned trademark when it registered the disputed domain name; that the Respondent is passively holding the disputed domain name, and that such use does not constitute a bona fide offering of goods or services, nor does it give the Respondent rights or legitimate interests in the disputed domain name; and that the Respondent registered and used the disputed domain name in order to exploit the Complainant's trademarks for its own benefit, and that this is a clear inference of bad faith use and registration of the disputed domain name. Furthermore, the Complainant notes that, owing to the reputation of its LINDT trademarks, the registration of the disputed name (which contains a well-known trademark) amounts per se to a registration in bad faith. In addition, the Complainant states that the Respondent's bad faith is also evident in the Respondent's endeavours to conceal its identity.

Finally, the Complainant claims that the Respondent's failure to respond to the Complainant's cease and desist letter is further evidence of bad faith.

### B. Respondent

The Respondent did not reply to the Complainant's contentions.

## 6. Discussion and Findings

In order for the Complainant to obtain a transfer of the disputed domain name, paragraph 4(a) of the Policy requires that the Complainant must demonstrate to the Panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (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.

### A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the LINDT trademark is incorporated entirely and the LINDT & SPRÜNGLI trademark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds the first element of the Policy has been established.

## **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

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 (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.0](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

Based on the available record, the Panel finds the second element of the Policy has been established.

## **C. Registered and Used in Bad Faith**

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel notes that the Respondent was aware of the Complainant’s trademark registrations and rights to the LINDT and LINDT SPRUNGLI trademarks when it registered the disputed domain name.

The disputed domain name contains in its entirety, without any authorization or approval, the Complainant’s registered and renowned LINDT trademark, and appears to be a misspelling of the Complainant’s LINDT SPRUNGLI trademark.

The disputed domain name was registered many years after the Complainant’s renowned trademark was registered. In addition, owing to the substantial presence established worldwide and on the Internet by the Complainant, it is at the least very unlikely that the Respondent was not aware of the existence of the Complainant’s trademarks when registering the disputed domain name.

In addition, the composition of the disputed domain name, which incorporates the Complainant’s LINDT trademark and the term “spruengli” (where the German “ü” is replaced with the letters “ue”, which is a common way to write the letter “ü” in Internet, can be seen as a slightly misspelled version of “sprüngli”), also suggests that the Respondent, when registering the disputed domain name, had knowledge of the Complainant’s earlier rights to the LINDT and LINDT & SPRÜNGLI trademarks.

Therefore, it is more likely than not that the Respondent, when registering the disputed domain name, had knowledge of the Complainant’s earlier rights to the LINDT and LINDT & SPRÜNGLI trademarks and trade name and targeted those trademarks.

Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or well-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4. The Panel is therefore satisfied that the Respondent registered the disputed domain name in bad faith.

The bad faith registration and use of the disputed domain name are also affirmed by the fact that the Respondent did not respond to the Complainant's cease and desist letter, nor has it denied the assertions of bad faith made by the Complainant in this proceeding. Moreover, provided the Respondent did not provide contact details in the WhoIs, merely to avoid being notified of a UDRP proceeding and or any other legal claims filed against it. This is a further indication of bad faith. [WIPO Overview 3.0](#), section 3.6

Finally, the disputed domain name resolves to a PPC page with competing links. The Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's mark.

The Panel finds that the Complainant has established the third element of the Policy.

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name <lindt-spruengli.co> be transferred to the Complainant.

*/Fabrizio Bedarida/*

**Fabrizio Bedarida**

Sole Panelist

Date: December 10, 2024