

ADMINISTRATIVE PANEL DECISION

Aldi GmbH & Co. KG, Aldi Stores Limited v. Jennifer Scalzo, Jennifer Scalzo
Case No. D2025-0533

1. The Parties

The Complainants are Aldi GmbH & Co. KG, Germany, and Aldi Stores Limited, United Kingdom ("UK"), both represented by Freeths LLP, UK.

The Respondent is Jennifer Scalzo, Jennifer Scalzo, United States of America ("US").

2. The Domain Name and Registrar

The disputed domain name <peopleofaldi.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 10, 2025. On February 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 11, 2025, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainants on February 14, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amendment to the Complaint on March 3, 2025.

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 March 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 24, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 26, 2025.

The Center appointed Geert Glas as the sole panelist in this matter on April 7, 2025. 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 Complainants in this administrative proceeding are (1) Aldi GmbH & Co. KG, a company registered under the laws of Germany and (2) Aldi Stores Limited, a company incorporated under the laws of England.

The Complainants and their connected companies are one of the international leaders in retailing and are active under the ALDI brand in a large number of countries where they have more than 5000 stores. It appears from a recent YouGov survey provided by the Complainants that the ALDI brand enjoys a 100% fame rating and an 81% popularity rating.

Aldi GmbH & Co. KG owns a large number of trademark registrations which consist of the word ALDI and covering a multitude of product and service classes. These trademark registrations include:

- European Union trademark registration No. 002071728, registered on April 14, 2005, for goods and services in classes 03, 04, 09, 16, 24, 25, 29, 30, 31, 32, 33 and 34;
- UK registration No. UK00002250300, registered on March 30, 2001, for goods and services in classes 01, 03, 05, 06, 11, 16, 21, 24, 25, 29, 30, 31, 32, 33, 34 and 35;

Aldi Stores Limited is the exclusive licensee of the ALDI trademark in the UK.

The disputed domain name was registered by the Respondent on November 1, 2023.

The Respondent is Jennifer Scalzo, an individual with an address in the US.

The disputed domain name revolves to a Registrar parking page prominently featuring a "Get This Domain" button.

5. Parties' Contentions

A. Complainants

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, the Complainants contend that their ALDI trademarks enjoy an enhanced distinctive character and reputation as a result of the substantial and sustained use made of them by the Complainants and their connected companies.

The disputed domain name comprises the ALDI trademark in its entirety preceded by the words "people of". As a result, the similarity between the disputed domain name and the ALDI trademarks is such that Internet users will be confused into believing that the disputed domain name is registered to, or at least operated, authorized or endorsed by the Complainants.

The Complainants also contend that the Respondent has no rights or legitimate interests in respect of the disputed domain name as the Complainants have not licensed or otherwise authorized the Respondent to use the ALDI name or trademark. Furthermore, so far as the Complainants are aware the Respondent has not (i) used the disputed domain name or any name corresponding to the disputed domain name in

connection with a bona fide offering of goods or services, (ii) been commonly known by the disputed domain name or (iii) made any legitimate non-commercial or fair use of the disputed domain name.

The Complainants contend that the disputed domain name was registered in bad faith as it is inevitable that Internet users will be confused into believing that the disputed domain name has some form of association with the Complainants. The registration of the disputed domain name therefore took unfair advantage of the Complainants' rights. On this basis alone, the Complainants consider the registration of the disputed domain name to be in bad faith.

The Complainants finally contend that the Respondent also used the disputed domain name in bad faith as the disputed domain name has been intentionally used to attract Internet users, for commercial gain, to a website hosted at the disputed domain name by creating a likelihood of confusion with the ALDI trademark, such likelihood arising as to the source, sponsorship, affiliation or endorsement of this website.

Even on the chance that a consumer would perceive something amiss before taking any action in relation to the disputed domain name, the Complainants argue that the distinctive character and reputation of the ALDI trademarks are harmed by association in any event. In all the circumstances there is a detrimental impact on the reputation and professional activities of the Complainants.

B. Respondent

The Respondent did not reply to the Complainants' contentions.

6. Discussion and Findings

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 Complainants have 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 entirety of the ALDI mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "people of", may bear on assessment of the second and third elements, the Panel finds that the addition of such terms does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 Complainants have established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainants' *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.

The Respondent has indeed not challenged the Complainants' statement that they have not authorized the Respondent to use the ALDI trademark and that the Respondent has not been commonly known by the disputed domain name. Similarly, the Respondent has not shown to have made any use of the disputed domain name in connection with a bona fide offering or has made a legitimate non-commercial or fair use of the disputed domain name.

Indeed, the fact that the Respondent is offering the disputed domain name for sale, in the circumstances of this case, cannot be considered a bona fide offering nor a legitimate non-commercial or fair use of the disputed domain name.

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.

As to the registration of the disputed domain name, it should be noted that panels have consistently found that the mere registration of a domain name which is confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4

This is clearly the case here, as ALDI had become a widely-known trademark long before the disputed domain name was registered by the Respondent. As a result, the Respondent knew or should have had knowledge of the ALDI trademark when registering the disputed domain name.

Based on the available record, the Panel finds that the disputed domain name has been registered 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.

Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainants' ALDI mark. The disputed domain name is being offered for sale to third parties as evidenced by the prominent "Buy This Domain" button on the webpage to which the disputed domain name revolves.

These circumstances allow the Panel to infer that the Respondent registered the disputed domain name primarily for the purpose of selling it to the Complainant or to a competitor of the Complainant, for valuable consideration likely in excess of its documented out-of-pocket costs directly related to the disputed domain name.

The Respondent was given the opportunity to rebut the Complainants' arguments concerning its registration and use in bad faith of the disputed domain name but opted not to file a response.

Based on the available record, the Panel finds that the Respondent's registration and use of the disputed domain name constitute bad faith under the Policy and that the Complainants have 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 <peopleofaldi.com> be transferred to Aldi Stores Limited.

/Geert Glas/

Geert Glas

Sole Panelist

Date: April 21, 2025