

## ADMINISTRATIVE PANEL DECISION

Aldi GmbH & Co. KG and Aldi Stores Limited v. xu shuaiwei  
Case No. D2025-1829

### 1. The Parties

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

The Respondent is xu shuaiwei, China.

### 2. The Domain Name and Registrar

The disputed domain name <aldi75.com> is registered with Dynadot Inc (the "Registrar").

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 7, 2025. On May 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 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 / Redacted for Privacy, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 16, 2025, 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 the same day.

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 May 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 5, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 12, 2025.

The Center appointed Lorenz Ehrler as the sole panelist in this matter on June 27, 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 first Complainant Aldi GmbH & Co. KG is the owner of the ALDI trademark portfolio and the second Complainant Aldi Stores Limited, is the exclusive licensee of various ALDI trademarks in the UK. The Aldi group is one of the internationally leading groups in grocery retailing and operates more than 5,000 stores across the world. It is present mainly in Europe and the United States of America, but – as results from the Panel's own research – also in China, where the Respondent apparently resides, with more than 60 stores.<sup>1</sup>

The Complainant Aldi GmbH & Co. KG owns numerous ALDI trademarks, among others:

- European Union trademark registration no. 002071728, ALDI (word), registered on April 14, 2005 and claiming goods and services in classes 3, 4, 9, 16, 24, 25, 29, 30, 31, 32, 33 and 34;
- UK trademark registration no. UK00002250300, ALDI (word), registered on March 30, 2001 and claiming goods and services in classes 1, 3, 5, 6, 11, 16, 21, 24, 25, 29, 30, 31, 32, 33, 34 and 35;
- Chinese trademark registration no. 10709027, ALDI (word), registered on July 21, 2013 in class 14.

The disputed domain name <aldi75.com> was registered on June 19, 2024, and resolves to a pay-per-click (“PPC”) web page that includes, among other things, links to the Complainants’ competitors, including “Lidl Supermarket”.

#### **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 the disputed domain name is confusingly similar to their famous ALDI trademark.

Furthermore, the Complainants state that the Respondent is not affiliated or related to them in any way, and that they did not authorize the Respondent to use the trademark in question. The Complainants also state that the Respondent is not commonly known by the disputed domain name and that it makes no legitimate noncommercial or fair use of the domain name.

Lastly, the Complainants contend that the Respondent uses the disputed domain name and the website to which it resolves in a way to create confusion with their trademark ALDI, which in their view constitutes bad faith.

##### **B. Respondent**

The Respondent did not reply to the Complainants’ contentions.

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<sup>1</sup> Noting in particular the general powers of a panel articulated *inter alia* in paragraphs 10 and 12 of the Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision, see section 4.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (“[WIPO Overview 3.0](#)”).

## 6. Discussion and Findings

According to paragraph 4(a) of the Policy, the Complainants must prove that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights; and
- (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

The Complainants hold numerous trademarks for ALDI. These trademarks are registered in many jurisdictions. These trademarks are sufficient to ground the Complaint.

Under the UDRP, the identical or confusingly similar requirement under paragraph 4(a) of the Policy typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognisable within the disputed domain name. There is no requirement of similarity of goods and/or services (e.g., *AIB-Vincotte Belgium ASBL, AIB-Vincotte USA Inc./Corporation Texas v. Guillermo Lozada, Jr.*, WIPO Case No. [D2005-0485](#)).

The existence of a confusing similarity within the meaning of paragraph 4(a) of the Policy is not in doubt in the present case, given that the disputed domain name incorporates the Complainants' trademark ALDI. The incorporation of a trademark in its entirety is typically sufficient to establish that a domain name is identical or confusingly similar to a trademark (*RapidShare AG, Christian Schmid v. InvisibleRegistration.com, Domain Admin*, WIPO Case No. [D2010-1059](#)).

Taking into account that the trademark ALDI is recognisable, the other element of the disputed domain name, i.e. the figure "75", does not prevent a finding of confusing similarity.

As far as the generic Top-Level Domain ("gTLD") ".com" is concerned, this element has a technical function and therefore does not need to be taken into account when assessing the issue of identity or confusing similarity.

The Panel therefore finds that paragraph 4(a)(i) of the Policy is satisfied.

### B. Rights or Legitimate Interests

The Complainants contend that the Respondent does not have any rights or legitimate interests in the disputed domain name. They have shown that they own the ALDI trademark, and have explicitly contested having granted the Respondent any right to use their trademark.

In particular, the Complainants contend (i) that the Respondent has not been commonly known as "Aldi" or "aldi75" and (ii) that it has not used, or demonstrably prepared to use, the disputed domain name in connection with a bona fide offering of goods or services. To the contrary, the Complainants have shown and/or provided documents showing, that the disputed domain name is resolving to a website that contains sponsored links to third party competitors' websites, which – noting the composition of the disputed domain name – cannot be possibly viewed as a bona fide use.

Actually, it seems very likely that the Respondent receives commercial revenue from the display of links to third party offerings. There is no bona fide offering of goods or services according to paragraph 4(c)(i) of the Policy where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. See section 2.9 of the [WIPO Overview 3.0](#).

The use of the Complainants' trademark in the disputed domain name creates the false impression that the Internet user is on a website that belongs to the Aldi group.

Therefore, the Complainants have made a *prima facie* showing that the Respondent has no rights or legitimate interests in the disputed domain name. In line with previous UDRP panel decisions, this means that the burden of production shifts to the Respondent (e.g., *Belupo d.d. v. WACHEM d.o.o.*, WIPO Case No. [D2004-0110](#); and *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#)).

The Respondent having failed to respond to the Complaint, this Panel concludes that the Respondent does not have any rights or legitimate interests with respect to the disputed domain name.

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

Paragraph 4(a)(iii) of the Policy provides that the complainant must, in addition to the matters set out above, demonstrate that the disputed domain name has been registered and is being used in bad faith.

The undisputed *prima facie* evidence establishes that the Respondent is not affiliated with the Complainants and has no license or other authorisation to use the Complainants' ALDI trademarks.

The Respondent registered the disputed domain name many years after the Complainants' trademark was in use and became known. The Panel finds that the Respondent should have known about the Complainants' trademark and business when registering the disputed domain name, all the more that the Aldi group is active in its jurisdiction, namely China. It is highly improbable to the Panel that given the obvious notoriety of the ALDI trademark, the Respondent was unaware of it at the time it registered the disputed domain name.

This Panel further considers that the nature of the disputed domain name by itself is a strong indication that the Respondent was aware of the Complainants' trademark ALDI, as it seems more than unlikely that the Respondent would have registered – randomly – the disputed domain name (*Motul v. Contact Privacy Inc. Customer 0138693539 / Konstantin Speranskii*, WIPO Case No. [D2016-2632](#)).

Furthermore, based on the record, the Panel finds that the use to which the disputed domain name has been put, supports the finding of the Respondent's bad faith. Indeed, it results from the Panel's factual findings that the Respondent is using the disputed domain name to display pay-per-click links to various third party offers, including to competitors' offers, and that it thereby intends to generate commercial revenue. The Panel therefore finds that by using a domain name that is confusingly similar with the Complainants' trademark to direct Internet users to third party websites, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion, which constitutes bad faith pursuant to paragraph 4(b)(iv) of the Policy.

The Panel therefore finds that paragraph 4(a)(iii) of the Policy is satisfied.

### **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 <aldi75.com> be transferred to the Complainants.

/Lorenz Ehrler/  
**Lorenz Ehrler**  
Sole Panelist  
Date: July 10, 2025