

ADMINISTRATIVE PANEL DECISION

Aldi GmbH & Co. KG, Aldi Stores Limited v. Nanci Nette
Case No. D2025-1830

1. The Parties

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

The Respondent is Nanci Nette, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <aldi-near-me.com> is registered with NameCheap, 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 9, 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 May 12, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants did not file an amendment to the Complaint.

The Center verified that 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 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was June 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 17, 2025.

The Center appointed Mireille Buydens as the sole panelist in this matter on June 20, 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, and their connected companies, are international leaders in grocery retailing. They have more than 5,000 stores across the world, including the United States where the Respondent supposedly resides. The Complainants operate their retail stores under the brand name ALDI.

The Complainant Aldi GmbH & Co. KG owns, and the Complainant Aldi Stores Limited is the licensee of, various registered trademarks which comprise and/or include the name ALDI. The trademarks cover, among other things, a wide range of retail services.

Among the ALDI trademarks ("the Trademark") owned by the Complainant Aldi GmbH & Co. KG, are the followings:

- the United Kingdom Trademark No. UK00002250300 for ALDI (word mark), registered on March 30, 2001;
- the European Union trademark No. 002071728 for ALDI (word mark), registered on April 14, 2005;
- the European Union trademark No. 003639408 for ALDI (word mark), registered on April 19, 2005.

The Complainant Aldi Stores Limited also owns the domain name <aldi.co.uk>, which resolves to its main website. The Complainants and their connected companies operate various domain names including the ALDI Trademark.

The disputed domain name was registered on December 14, 2023. It redirects to a blank page.

5. Parties' Contentions

A. Complainants

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

First, the Complainants assert that the disputed domain name is confusingly similar to the Trademark as it reproduces the ALDI Trademark in its entirety. The Complainants explain 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.

Second, the Complainants assert that the Respondent lacks rights or legitimate interests in the disputed domain name. The Complainants' rights in the Trademark predate the Respondent's registration of the disputed domain name. The Complainants have not licensed or otherwise authorized the Respondent to use the ALDI Trademark. The Complainants further contend that the Respondent has not (i) used 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 noncommercial or fair use of the disputed domain name.

Third, the Complainants assert that the disputed domain name was registered and is being used in bad faith. The Complainants explain that the registration of the disputed domain name, which is confusingly similar to the ALDI Trademark, was registered to take unfair advantage of the Complainants' well-known Trademark. By registering and using the disputed domain name, the Respondent has tried to attract Internet users, for commercial gain, and induce them to unduly believe that the website is sponsored, affiliated or endorsed by the Complainants, which is not the case. This has 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

Dealing with the Respondent's failure to file a Response to the Complaint, paragraph 14(b) of the Rules provides that if a party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under these Rules, the Panel shall be entitled to draw such inferences from this omission, as it considers appropriate.

Paragraph 4(a) of the Policy provides that the Complainants prove each of the following three elements in order to succeed in its Complaint:

- (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

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 for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

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

Although the addition of other terms, here "near" (preceded by a hyphen) and "me" (also preceded by a hyphen) may bear on assessment of the second and third elements, the Panel finds 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.

Further, the generic Top-Level Domain ("gTLD") ".com" is a standard registration requirement and is typically disregarded in the confusing similarity test.

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 is not licensed by, nor affiliated with, the Complainants in any way. There is no evidence that the Respondent is commonly known by the disputed domain name, nor is there any evidence of use or demonstrable preparations to use the disputed domain name for a bona fide offering of goods or services. There is no evidence of legitimate noncommercial or fair use of the disputed domain name, either. On the contrary, the Panel notes that the disputed domain name reproduces the well-known ALDI Trademark (which is a coined term) in its entirety, with the mere addition of a hyphen followed by the term "near", another hyphen and the word "me", the disputed domain name thereby suggesting that the website to which it resolves allows Internet users to find ALDI retail shops in their neighborhood. It results from the foregoing that the disputed domain name carries a risk of implied affiliation, which cannot constitute fair use as it suggests sponsorship or endorsement by the Complainants (if ever put in use, Internet users would likely believe that the disputed domain name redirects to a Complainants' official website).

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.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. The Panel notes that the Respondent has composed the disputed domain name by combining the Complainants' ALDI Trademark with a hyphen followed by the term "near", another hyphen and the term "me", the disputed domain name thereby suggesting that the website to which it resolves allows Internet users to find an ALDI retail shop in the neighborhood. As a result, the disputed domain name, if ever put in use, would likely confuse Internet users into believing that the Respondent is affiliated with, or endorsed by, the Complainant. The registration of the disputed domain name creates a likelihood of confusion with the Complainants and its ALDI Trademark. In the circumstances, and in the absence of any explanation from the Respondent for its choice of the disputed domain name, the Panel can only reasonably infer that the Respondent registered the disputed domain name in the knowledge of the Complainants' Trademark and with the intention of taking unfair advantage of the goodwill attached to it by causing confusion among Internet users.

Besides, the Panel notes that a quick search for the word "aldi" online would have revealed to the Respondent the existence of the Complainants and their ALDI Trademark. As a result, the Panel finds that the Respondent was more likely than not aware of the Complainants' ALDI Trademark at the time of the registration of the disputed domain name. [WIPO Overview 3.0](#), section 3.2.2.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark; (ii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use; (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be

put. [WIPO Overview 3.0](#), section 3.3. In this respect, the Panel notes the distinctiveness of the ALDI Trademark (ALDI is a coined term that is inherently distinctive and is well-known), the composition of the disputed domain name (which includes the ALDI Trademark in its entirety with the mere addition of descriptive terms “near” and “me”, indicating that the website under the disputed domain name may offer the possibility to find an ALDI retail shop in the neighborhood). The Panel also notes the failure of the Respondent to submit a response, and the implausibility of any good faith use to which the disputed domain name may be put. The Panel finds that in the circumstances of this case, the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

The Panel finds 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 <aldi-near-me.com> be transferred to the Complainant

/Mireille Buydens/

Mireille Buydens

Sole Panelist

Date: June 26, 2025