

ADMINISTRATIVE PANEL DECISION

Aldi GmbH & Co. KG and Aldi Stores Limited v. emmanuel
Case No. D2025-2101

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 emmanuel, United States of America ("United States").¹

2. The Domain Name and Registrar

The disputed domain name <aldigift.com> is registered with Spaceship, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 28, 2025. On May 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 29, 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 (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 Complainants on May 30, 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 June 3, 2025.

¹ The Respondent has expressly requested that its full name not be disclosed in the present proceedings. It has invoked privacy concerns and has asked that, should any identification be necessary, only its first name be used. The Panel has partially redacted Respondent's name from this decision. However, the Panel has attached as Annex 1 to this decision an instruction to the Registrar regarding transfer of the disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding, and has indicated Annex 1 to this decision shall not be published due to the exceptional circumstances of this case.

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”).

The Respondent sent email communications to the Center on May 30, 31, and June 2, 2025, by which he informed the Center of his interest for an amicable settlement involving the transfer of the disputed domain name. The Center informed the Complainant thereof on June 2, 2025. The Complainant did not submit a request for suspension of the proceedings within the deadline mentioned by the Center. In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on June 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 1, 2025. On June 26, 2025, the Respondent submitted his Response to the Complaint, and confirmed on June 29, 2025 in reply to the Center’s question that his communication of June 26, 2025 was his complete Response

The Center appointed Anne-Virginie La Spada as the sole panelist in this matter on July 3, 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 are recognized as international leaders in grocery retailing, with more than 5,000 stores across the world, including in the United States.

Among other registrations, Aldi GmbH & Co. KG (the “First Complainant”) is the owner of the following trademark registration:

- United Kingdom trademark registration No. UK00002250300 for ALDI, registered on March 30, 2001, in Classes 1, 3, 5, 6, 11, 16, 21, 24, 25, 29, 30, 31, 32, 33, 34, 35.

Aldi Stores Limited (the “Second Complainant”) is the exclusive licensee of the First Complainant’s trademarks in the United Kingdom.

The disputed domain name was registered on October 20, 2024.

At the time of filing of the Complaint, the disputed domain name redirected to the domain name <netflixreviewer.myfunnelish.com>, which resolved to a website purportedly offering Internet users the opportunity to apply to become a paid video reviewer. The landing page of such website featured a text informing Internet users that, in order to apply, they would be requested to enter basic information and answer a simple questionnaire.

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 registered trademarks as it includes the word “aldi” which is subject of the Complainants’ trademarks and rights in passing off.

The Complainants further contend that the Respondent has no rights or legitimate interests in the disputed domain name for the following reasons: (i) the Complainants’ rights in the trademarks predate the Respondent’s registration of the disputed domain name; (ii) the Complainants have not licensed or otherwise authorized the Respondent to use the ALDI name or trademark; (iii) so far as the Complainants’ are aware the Respondent has not 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; (iv) the Respondent is not commonly known by the disputed domain name; and (v) the Respondent has not made any legitimate non-commercial or fair use of the disputed domain name.

Finally, according to the Complainants, the Respondent has registered and is using the disputed domain name in bad faith. The Complainants further assert that Internet users will be confused into believing that the disputed domain name has some form of association with the Complainants by being in some way affiliated with, or endorsed by, the Complainants. The Complainants argue that the disputed domain name has been intentionally used to attract Internet traffic for commercial gain by creating a likelihood of confusion with the ALDI trademark, particularly with respect to the source, sponsorship, affiliation, or endorsement of the Respondent’s website. According to the Complainants, there is a clear possibility that the disputed domain name was registered with the intent of reselling it at a price exceeding the cost of registration, potentially inciting a bidding war between the parties in order to acquire the disputed domain name.

B. Respondent

In response to the Complainant’s contentions, the Respondent stated that he had no intention of taking advantage of or misusing the name “aldi”, and that at the time of registration, it was unaware of any legal risks associated with the name.

The Respondent further mentioned that it had no desire to complicate the matter and trusted that the Panel would reach a fair conclusion.

Finally, the Respondent requested that its full name not be disclosed, and that, if necessary, only its first name be mentioned, in consideration of its privacy.

6. Discussion and Findings

6.1. Consolidation of Complainants

The Complaint was filed by two complainants against a single respondent. Neither the Policy nor the Rules expressly provide for or prohibit the consolidation of multiple complainants. In this regard, WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 4.11.1, states that:

“In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at 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.”

Both of the Complainants form part of the same corporate group. The First Complainant is the registered owner of the above-mentioned trademark, and the Second Complainant is the exclusive licensee in the United Kingdom of these trademarks.

The Panel finds that the Complainants have a specific common grievance against the Respondent as they have a common legal interest in the trademark rights on which this Complaint is based, and it is equitable and procedurally efficient to permit the consolidation of their complaints. The Complainants shall be referred to from now on as the “Complainant”.

6.2. Substantive Issues

According to paragraph 4(a) of the Policy, a complainant must assert and prove each of the following:

- (i) the domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and
- (ii) the respondent has no rights or legitimate interests in respect of the domain name; and
- (iii) the 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 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 entirety of the 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, “gift”) may bear on assessment of the second and third elements, the Panel finds the addition of such term 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 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.

Instead, based on the evidence provided by the Complainant, the Respondent uses the confusingly similar disputed domain name to redirect Internet users to a website operated under a different domain name, purportedly offering Internet users the opportunity to apply to become a video reviewer. This does not appear to be a legitimate non-commercial purpose.

Furthermore, the composition of the disputed domain name carries a risk of implied affiliation (see [WIPO Overview 3.0](#), section 2.5.1). The term “gift” suggests indeed a promotional campaign by the Complainant, involving the possibility for consumers to receive gifts.

In the Panel’s view, such behavior does not suggest any legitimate right or interest in 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.

In the present case, the Respondent did not provide any explanation regarding the choice of the disputed domain name. The Panel considers it likely that the Respondent was aware of the Complainant’s trademark ALDI at the time it registered the disputed domain name, given the well-known character of such mark in many jurisdictions throughout the world. As a consequence, the Panel finds it unlikely that the disputed domain name was chosen independently without reference to the Complainant’s trademark. The Panel accepts that the disputed domain name was registered in bad faith.

Furthermore, the Respondent used the disputed domain name to redirect Internet users to a website purportedly offering Internet users the ability to get paid to become video reviewers, upon communication of certain information about themselves. This website has therefore encouraged Internet users to disclose their personal data, which leads the Panel to believe that the disputed domain name was likely used for phishing purposes.

For the reasons set out above, the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith and 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 <aldigift.com> be transferred to the Complainant.

/Anne-Virginie La Spada/

Anne-Virginie La Spada

Sole Panelist

Date: July 17, 2025