

## **ADMINISTRATIVE PANEL DECISION**

**Aldi GmbH & Co. KG and Aldi Stores Limited v. Robert Johnson**  
**Case No. D2025-2822**

### **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 Robert Johnson, United States of America (“United States”).

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

The disputed domain name <aldisurveywin.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 July 17, 2025. On July 17, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 17, 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 July 21, 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 July 22, 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 July 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 11, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 12, 2025.

The Center appointed Áron László as the sole panelist in this matter on August 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 First Complainant, Aldi GmbH & Co. KG, owns the ALDI trademark portfolio. The Second Complainant, Aldi Stores Limited, is the exclusive licensee of various ALDI trademarks in the United Kingdom. Aldi is one of the world's leading grocery retailers and operates more than 5,000 stores worldwide. It has a strong presence in Europe and the United States.

The First Complainant is the owner of numerous ALDI trademarks in the United Kingdom, including the following trademarks:

- United Kingdom trademark ALDI Reg. No. UK00002250300 registered on March 30, 2001;
- United Kingdom trademark ALDI Reg. No. UK00902071728 registered on April 14, 2005;
- United Kingdom trademark ALDI SHOP & GO Reg. No. UK00003634437 registered on October 8, 2021.

The Second Complainant is the licensee of the above trademarks and trades under the name "Aldi" in the United Kingdom.

The Second Complainant's main website is available at the domain name "www.aldi.co.uk".

The Panel will hereinafter refer to the First Complainant and the Second Complainant as the "Complainant".

The Respondent is a private individual, based on the information provided by the Registrar, residing in the United States. The disputed domain name was registered on August 30, 2024. There is no content available at the disputed domain name.

#### **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 its registered trademarks, as it includes the word "aldi" (identical to the Complainant's name and trademarks) together with the term "surveywin", which suggests that the disputed domain name will host a webpage relating to goods or services specifically sold by the Complainant, thereby enhancing confusion.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name for the following reasons: (i) the Complainant's rights in the trademarks predate the Respondent's registration of the disputed domain name; (ii) the Complainant has not licensed or otherwise authorized the Respondent to use the ALDI name or trademark; (iii) As far as the Complainant is aware, the Respondent has not used the disputed domain name or any name corresponding to it 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 noncommercial or fair use of the disputed domain name.

Finally, the Complainant asserts that the Respondent has registered and is using the disputed domain name in bad faith. They further assert that Internet users will mistakenly believe that the disputed domain name is associated with the Complainant in some way, whether through affiliation or endorsement. The Complainant argues that the disputed domain name has been intentionally used to attract Internet traffic for commercial gain, creating a likelihood of confusion with the ALDI trademark with respect to the source, sponsorship, affiliation or endorsement of the Respondent's website. The Complainant also claims that the Respondent registered the disputed domain name with the intention of reselling it at a price exceeding the registration cost, in order to encourage parties to bid against each other to acquire it.

## **B. Respondent**

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

## **6. Discussion and Findings**

Paragraph 15(a) of the Rules instructs this Panel to decide a complaint based on the statements and documents submitted in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable. Paragraph 4(a) of the Policy requires that a complainant must prove each of the following three elements to obtain an order that a domain name should be cancelled or transferred:

- 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;
- 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.

In view of the Respondent's failure to submit a Response, the Panel shall decide this administrative proceeding based on the Complainant's undisputed representations pursuant to paragraphs 5(f), 14(a), and 15(a) of the Rules and draw such inferences as it considers appropriate pursuant to paragraph 14(b) of the Rules.

The Panel may accept all reasonable allegations set forth in a complaint. However, the Panel may deny relief where a complaint wholly contains mere conclusory or unsubstantiated arguments. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3.

### **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, "survey" and "win" 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.

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.

It should also be noted that the Respondent is not using the disputed domain name and has not demonstrated any plans to do so. Therefore, use of the domain name for a bona fide offering or legitimate noncommercial use, as set out in the Rules, cannot apply under the circumstances of the case. Furthermore, the Respondent’s name is not in any way similar to the disputed domain name. In the absence of any submissions to the contrary from the Respondent, it appears that the Respondent is not commonly known by 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.

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.

The Panel notes that the Respondent’s decision to incorporate the Complainant’s renowned trademark into the disputed domain name is likely to mislead Internet users into believing that the disputed domain name is affiliated with or endorsed by the Complainant. The Panel believes that the addition of the words “survey” and “win” increases the likelihood that the disputed domain name has been intentionally used to attract internet traffic for commercial gain, thereby creating a likelihood of confusion with the ALDI trademark. This is because the Complainant is well known for running retail stores around the world, as well as regularly organizing prize draws.

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. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant’s trademark, and the composition of the disputed domain name, and 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 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 <aldisurveywin.com> be transferred to the Second Complainant Aldi Stores Limited.

*/Áron László/*

**Áron László**

Sole Panelist

Date: September 2, 2025