

## **ADMINISTRATIVE PANEL DECISION**

Aldi GmbH & Co. KG, Aldi Stores Limited v. AL DI, ALDI  
Case No. D2025-2825

### **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 AL DI, ALDI, India.

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

The disputed domain name <aldimarketing.com> is registered with Squarespace Domains II LLC (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 17, 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 18, 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 21, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 10, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 11, 2025.

The Center appointed Stefan Bojovic as the sole panelist in this matter on August 18, 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 international grocery retailers that have more than 5,000 stores across the world, including in Australia, Austria, Belgium, Denmark, France, Germany, Ireland, Luxembourg, the Netherlands (Kingdom of the), Poland, Portugal, Slovenia, Spain, Switzerland, United Kingdom and the United States of America.

The Complainant Aldi GmbH & Co. KG (the "First Complainant") owns, and the Complainant Aldi Stores Limited (the "Second Complainant") is the exclusive licensee of, various registered trademarks which comprise and/or include the name ALDI. Among the others, the First Complainant owns the following trademark registrations:

- United Kingdom trademark registration No. UK00002250300 for ALDI, registered on March 30, 2001;
- United Kingdom trademark registration No. UK00902071728 for ALDI registered on April 14, 2005.

The disputed domain name was registered on October 17, 2024, and it resolves to a webpage indicating that the website has expired and that the website owner should login (presumably to retrieve the website access).

#### **5. Parties' Contentions**

##### **A. Complainants**

The Complainants contend that it has 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 ALDI trademark. In particular, the similarity between the disputed domain name and their ALDI trademark is such that Internet users will be confused into believing that the disputed domain name is registered, or at least, operated, authorized or endorsed by the Complainants.

With reference to rights or legitimate interests in respect of the disputed domain name, the Complainants 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 noncommercial or fair use of the disputed domain name.

With reference to the circumstances evidencing bad faith, the Complainants indicate that Internet users will be confused into believing that the disputed domain name has some form of association with the Complainants. The Complainants argue that the disputed domain name has been (or is planning to be) 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 distinct possibility that the disputed domain name was registered in order that the Respondent might offer the same for sale to either the Complainants (or their competitors) at a price higher than the cost of registration and in the hope that the parties bid against each other to secure the disputed domain name.

## **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

## **6. Discussion and Findings**

### **6.1 Procedural Issues**

#### **A. Consolidation of Multiple 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, stipulates 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 Complainants are part of the same corporate group. The First Complainant is the owner of the registered ALDI trademarks, while the Second Complainant is the licensee of these trademarks which also trades under the name ALDI.

Under these circumstances, 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 are hereinafter referred to as "the Complainant".

#### **6.2 Substantive Issues**

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable."

Paragraph 4(a) of the Policy stipulates that the complainant must prove each of the following:

- (i) that the disputed domain name registered by the respondent is identical or confusingly similar to a trademark or service mark in which the complainant has rights;
- (ii) that the respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that 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 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 Complainant's trademark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "marketing") 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 Complainant's trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

In addition, it is well established that the generic Top-Level Domain ".com", can be disregarded in the assessment of the confusing similarity between the disputed domain name and the Complainant's trademark. [WIPO Overview 3.0](#), section 1.11.1.

The Panel, therefore, finds that 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.

The Panel notes that there seems to be no relationship between the Respondent and the Complainant and that the Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant's ALDI trademark. The Respondent does not appear to be commonly known by the disputed domain name despite the appearance of the Complainant's trademark in the Whois data. As noted by a previous panel in similar circumstances, the Whois details appear to be another way the Respondent seeks to falsely affiliate itself with the Complainant (see *LEGO Juris A/S v. Muhammed Melih TAN, LegoToyx*, WIPO Case No. [D2024-4102](#)). The Panel has taken into account that although the Whois data indicates that the Respondent is called "AL DI" and comes from an organization called "ALDI" from India, there is no indication that is the actual name of the Respondent or that such organization actually exists. The only proof of existence for such organization is Whois data, which in itself is insufficient to prove common knowledge of the Respondent by the disputed domain name. Additionally, based on the case file, it appears that Center was not able to deliver the Written Notice of the present dispute to the physical address of the Respondent with indication of "bad address" by the delivery service. The Panel holds that, observed in totality of circumstances, this is another indicator that the Respondent used false data when registering the disputed domain name.

The Panel also finds that the structure of the disputed domain name, which contains the Complainant's ALDI trademark in combination with the term "marketing" carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1

Having in mind the above, 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.

In the present case, the Panel notes that the Respondent must have been aware of the Complainant and its ALDI trademark at the time of the registration of the disputed domain name. Namely, the first use of ALDI trademark predates the registration of the disputed domain name by decades, making it unlikely that the Respondent was not aware of the Complainant's trademark at the time of registration of the disputed domain name. Furthermore, the Panel deems that the Complainant's ALDI trademark enjoys significant reputation in the retail sector, which additionally emphasizes that it is very unlikely for the Respondent to register a domain name containing this trademark without having the Complainant in mind.

Due to the above, the Panel finds that the disputed domain name has been registered in bad faith.

The disputed domain name resolves to a webpage indicating that website has expired, meaning that the disputed domain has not been actively used by the Respondent. 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. More precisely, previous panels have already considered that passive holding of a disputed domain name can satisfy the requirements of paragraph 4(a)(iii) of the Policy, and that in such cases the panel must give close attention to all the circumstances of Respondents' behavior (*Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. [D2000-0003](#)). The 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. It should be emphasized that it is not required that all the above-listed factors be present in order to establish bad faith use of the disputed domain name (see, for example, *Compagnie Générale des Etablissements Michelin v. K Nandalal, BlueHost*, WIPO Case No. [D2021-3990](#)).

Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, the composition of the disputed domain name, and the Respondent's failure to submit a response to the UDRP complaint and thereby to provide any evidence of actual or contemplated good-faith use are some of the factors under the doctrine of passive holding that are present in the case at hand. There are also strong indications that the Respondent provided false contact details, as the Center was not able to deliver the UDRP complaint to the physical address of the Respondent since the postal address seems to be incorrect according to the delivery service. Additionally, in the Panel's opinion, the distinctiveness and the reputation of the Complainant's ALDI trademark and the structure of the disputed domain name are such that it is rather difficult to imagine any good faith use that the disputed domain name could be put into. Having in mind the above, 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.

Therefore, the Panel finds that the disputed domain name has been both registered and is being used in bad faith, and consequently 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 <aldimarketing.com> be transferred to the Second Complainant, Aldi Stores Limited.

*/Stefan Bojovic/*

**Stefan Bojovic**

Sole Panelist

Date: September 1, 2025