

ADMINISTRATIVE PANEL DECISION

Lidl Stiftung & Co. KG v. Dumas ALEX

Case No. D2022-1731

1. The Parties

The Complainant is Lidl Stiftung & Co. KG, Germany, represented by HK2 Rechtsanwälte, Germany.

The Respondent is Dumas ALEX, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <b2b-lidl.info> is registered with NETIM SARL (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 12, 2022. On May 13, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 16, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on May 19, 2022, 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 May 23, 2022.

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 31, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 20, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 21, 2022.

The Center appointed Beatrice Onica Jarka as the sole panelist in this matter on June 29, 2022. 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 Complainant belongs to the LIDL-Group, a famous global discount supermarket chain based in Germany. The LIDL-Group operates more than 10,000 stores with over 300,000 employees. Currently its stores can be found in 31 countries, *inter alia*, in Germany LIDL operates around 3,220 stores. The Complainant offers various additional services, e.g. a mobile phone network or travel services.

The Complainant owns several trademark registrations for the term LIDL such as, for instance,

- European Union trademark No. 01779784, registration date December 11, 2001, covering a variety of goods and services;
- German trademark registration No. 2006134, registration date November 11, 1991, covering various goods and services;
- International trademark No. 748064, registration date July 26, 2000, covering a variety of goods and services, with extensions to various countries inside and outside of Europe; and
- International trademark No. 974355, registration date May 9, 2008, covering a variety of goods and services, with extensions to various countries inside and outside of Europe.

The Complainant operates several websites which are available under domain names under generic Top-Level Domains ("gTLD") such as ".com" or under country code Top-Level Domains ("ccTLDs").

The disputed domain name had been registered on April 4, 2022 by an individual and does not resolve to an active website.

5. Parties' Contentions

A. Complainant

By the Complaint, the Complainant contends that:

- the disputed domain name <b2b-lidl.info> is confusingly similar to the trademarks of the Complainant, as it comprises the Complainant's trademark LIDL in its entirety. The gTLD in the present case suggests that the domain name holder is economically linked to the Complainant as "info" is an ordinary English abbreviation and is commonly used by website operators for pages providing information. The LIDL Group itself operates several websites under domain names that combine "LIDL" in connection with a descriptive term. One example is the website under <info.lidl> where customers can search for the Lidl web page of their country as well as get informed about career options at the LIDL Group. Within those domain names "LIDL" is the clearly distinctive part and Internet users will automatically relate to the Complainant when perceiving such domain names and expect offers of the Complainant when accessing such domain names.
- the disputed domain name incorporates the Complainant's LIDL trademark as a whole and adds the acronym "b2b", which is descriptive and can be directly linked to the Complainant's activities: "b2b" is an acronym for "business to business" and may therefore lead Internet users to think that the website was designed by the Complainant specifically for interaction with business partners of "Lidl".
- as set out above, "info" is an ordinary English abbreviation used by website operators, including the Complainant, for additional informational websites, and thus indicates an informational web page hosted by the Complainant.
- to the best of the Complainant's knowledge the Respondent is not commonly known by "Lidl", "b2b-lidl" or "lidl.info". The only identifier of the Respondent known to the Complainant is the registrant country as set out above. No permission to use "Lidl" was granted by the Complainant to the Respondent.
- There is no indication of the Respondent's use of, or demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services as the disputed domain name does not resolve into an active website.
- The Complainant's use of its trademarks and business activities as a very famous discount supermarket chain predating the registration of the disputed domain name by decades indicates either actual

or constructive knowledge of the Respondent.

- Furthermore, the fact that the Respondent used the additional elements “b2b” and “info” in the disputed domain name, which are customary and often used for web pages in this specific industry, enhances the indication that the Respondent had knowledge of the Complainant’s trademarks.
- There is no conceivable legitimate interest for the use of the disputed domain name by the Respondent.
- The disputed domain name does not resolve to an active website and is so obviously connected to the Complainant that its very use by someone with no connection to the Complainant suggests opportunistic bad faith.
- The Complainant knows that in the past domain names similar to the one at dispute have been used in connection with fraudulent activities. Although the Complainant does not have evidence that such fraudulent activities have been carried out using the disputed domain name in the present case. However, given the fact that the domain status “ClientHold” has been assessed to the disputed domain name indicating an issue with the disputed domain name, the Complainant considers the circumstance as *prima facie* indication of fraudulent use of the disputed domain name.

B. Respondent

Although properly summoned, the Respondent did not reply to the Complainant’s contentions.

6. Discussion and Findings

A. Identical or Confusingly Similar

First, this Panel finds that the Complainant has established trademark rights in the trademark LIDL.

Second, under this element, this Panel notes that it has been decided by previous UDRP panels that incorporating a trademark in its entirety can be sufficient to establish that a domain name is identical or confusingly similar to a registered trademark, according to WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), paragraph 1.7.

The disputed domain name the disputed domain name incorporates the Complainant’s LIDL trademark as a whole and adds the acronym “b2b” which is an acronym for “business to business”. As stated at [WIPO Overview 3.0](#), paragraph 1.8., where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element.

Consequently, this Panel finds that the disputed domain name is confusingly similar to the Complainant’s trademarks, in which the Complainant has rights, and therefore the first element of paragraph 4(a) of the Policy is established.

B. Rights or Legitimate Interests

In relationship to the second element of the Policy, based on the UDRP practice, the Complainant has to show that the Respondent lacks rights or legitimate interests in respect of the disputed domain name. If the Complainant makes a *prima facie* showing, the burden of production of evidence shifts to the Respondent, with the overall burden of proof always remaining on the Complainant. See section 2.1 of the [WIPO Overview 3.0](#).

Considering the Complainant’s contentions, it is the opinion of this Panel that the Complainant has made a strong *prima facie* showing that the Respondent lacks rights or legitimate interests in respect of the disputed domain name.

The Panel agrees with the Complainant that the registration of the disputed domain name lacks the basic *prima facie* showing of rights and legitimate interests of the Respondent in relationship with the disputed domain name, as there is no indication that the Respondent is commonly known by “lidl”, “b2b-lidl” or “lidl.info”, or of the Respondent’s use of, or demonstrable preparations to use the disputed domain name in connection with a *bona fide* offering of goods or services. The Respondent’s name has no apparent connection with the disputed domain name, and no permission to use “lidl” was granted by the Complainant to the Respondent.

Not being able to identify any grounds for rights or legitimate interests by the Respondent of the disputed domain name, it is the opinion of this Panel that the Complainant has sufficiently demonstrated, without the same being rebutted, that the Respondent lacks any rights or legitimate interests in the disputed domain name and consequently, the second element of the paragraph 4(a) of the Policy is therefore established.

C. Registered and Used in Bad Faith

This Panel notes that the Complainant’s use of its trademarks and business activities as a very famous discount supermarket chain predating the registration of the disputed domain name by decades indicates either Respondent knew or should have known the Complainant’s trademark, which is further enhanced with the use of the additional elements “b2b” and the Top-Level Domain “.info” in the disputed domain name, elements which are customary and often used for web pages in this specific industry.

In addition, considering the circumstance that the disputed domain name does not resolve to an active website, this Panel finds that registration and use of the disputed domain name suggests strong opportunistic bad faith (see at [WIPO Overview 3.0.](#), section 3.3).

The Complainant also contends that the disputed domain name status “ClientHold” may be *prima facie* indication of fraudulent use of the disputed domain name, but admits that it does not have any evidence in connection with such fraudulent activities. The Panel does not make any findings of such indication in the absence of any evidence.

Nevertheless, this Panel considers that the other circumstances in the present case, analyzed above weight sufficiently to support the finding that the disputed domain name has been registered and is being used in bad faith and that the Complainant has established successfully the third element under paragraph 4(a)(iii) 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 <b2b-lidl.info> be transferred to the Complainant.

/Dr. Beatrice Onica Jarka/

Dr. Beatrice Onica Jarka

Sole Panelist

Date: July 13, 2022