Decision for dispute CAC-UDRP-108070

Case number	CAC-UDRP-108070
Time of filing	2025-10-27 15:56:05
Domain names	lupilude.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	LIDL Stiftung & Co. KG

Complainant representative

Organization	HK2 Rechtsanwälte

Respondent

Name	zhiling he

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of numerous LUPILU trademarks registered in various jurisdictions worldwide, including the following:

- International Registration No. 997257, registered on March 6, 2009, claiming goods in classes 25 and 28, designating countries: AU, BA, CH, CN, EM, LI, ME, MK, TN, TR, UA, VN; and
- UKIPO Registration No. UK00800997257, registered on March 30, 2010, claiming goods in classes 25 and 28; and
- Canadian registration 1444905-00, registered on July 16, 2009 claiming goods in classes 9, 10, 25, 27 and 28.

FACTUAL BACKGROUND

The Complainant is one of the largest supermarket chains in Europe, operating more than 12,600 stores. Its stores are currently located primarily in Europe and the United States. In 1930, Josef Schwarz joined A. Lidl & Cie, renaming it Lidl & Schwarz KG, and expanded the business into food wholesale. His son, Dieter Schwarz, introduced discount stores in 1973, leading to the rapid expansion of the chain. Today, the Complainant is part of the Schwarz Group, the world’s fifth-largest retailer, having entered the United Kingdom in 1994 and achieving an 8.1% market share by 2024. The company expanded to the United States in 2017, reaching 173 stores by 2024.

The disputed domain name was registered on July 20, 2024. The disputed domain name resolved to a website presenting various products identical or similar to that of the Complainant and qualified by the latter as a fake website for the Lupilu products.

Around October 2025, the domain has been redirected to a website under the domain <lupilu.topshop-de.com> displaying highly similar content than under <lupilude.com> and additional pay per click (PPC) advertising-links.

PARTIES CONTENTIONS

COMPLAINANT:

(i) The Complainant holds rights in the LUPILU trademark, as set forth in the “Identification of Rights” section above. The disputed domain name is confusingly similar to the Complainant’s LUPILU trademark, as it incorporates the LUPILU mark in its entirety, combine with the know ISO code “de”, referring to Germany followed only by the “.com” gTLD.

(ii) The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent is neither licensed nor otherwise authorized to use the Complainant’s LUPILU trademark, nor is the Respondent commonly known by the disputed domain name. Moreover, the Respondent used first the disputed domain as a fake website of the LUPILU products and recently redirected to a website under the domain <lupilu.topshop-de.com> displaying highly similar content than under <lupilude.com> and additional pay per click (PPC) advertising-links.

(iii) The disputed domain name was registered and is being used in bad faith. It incorporates the Complainant’s LUPILU trademark in its entirety without consent or authorization, and it was registered long after the Complainant’s well-known LUPILU mark. Respondent is targeting the Complainant’s trademark along with a website in German language, it is easily construed that the Respondent had actual knowledge of the Complainant’s trademark when registering the domain name. The Respondent has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s mark.

RESPONDENT:

No administratively compliant Response has been filed.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Notwithstanding the fact that no Response has been filed, the Panel shall consider the issues present in the case based on the statements and documents submitted by the Complainant.

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following elements:

i. that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
ii. that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
iii. that the disputed domain name was registered and is being used in bad faith.

A. Identical or confusingly similar: Paragraph 4(a)(i)

The trademark citation and documentation provided by Complainant are sufficient to establish that Complainant has rights in the LUPILU Trademark.

As to whether the disputed domain name is identical or confusingly similar to the trademark, the relevant comparison to be made is with the second-level portion of the disputed domain name only i.e. "lupilude" because "[t]he applicable Top Level Domain ('TLD') in a domain name (e.g. '.com') is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test." WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 1.11.1.

The disputed domain name wholly incorporates and is confusingly similar to the Complainant's LUPILU registered trademark, and the addition of the term "de", clearly referring to the geographical country of Germany for being the known ISO code comforted by the fact that the active website is in German language, is insufficient to avoid the likelihood of confusion or to change the overall impression of the designations as being connected to the Complainant's trademark.

The Panel is satisfied that Complainant has satisfied the first element of the Policy.

B. Rights or Legitimate Interests: Paragraph 4(a)(ii)

The Respondent is not commonly known by the disputed domain name and the Respondent's Whois information is not similar to the disputed domain name. The Respondent is neither affiliated with nor authorized by the Complainant in any way. The Respondent does not carry out any activity for, nor has any business with the Complainant. No authorization has been granted to the Respondent by the Complainant to use its LUPILU trademark.

The disputed domain name was registered on July 20, 2024. The disputed domain name resolved to a website presenting various products identical or similar to that of the Complainant and qualified by the latter as a fake website for the Lupilu products. Around October 2025, the domain has been redirected to a website under the domain <lupilu.topshop-de.com> displaying highly similar content than under <lupilude.com> and additional pay per click (PPC) advertising-links.

UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation. Even where a domain name consists of a trademark plus an additional term UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner.

The Complainant has demonstrated a pattern of conduct of the Respondent where such impersonation or high risk of confusion for the internet user is created and the attempt of changing the content of the website into a fan page participate to that pattern of conduct.

To demonstrate rights or legitimate interests in a domain name, non-exclusive respondent defences under UDRP paragraph 4(c) include the following:

(i) before any notice of the dispute, the respondent's use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) the respondent (as an individual, business, or other organization) has been commonly known by the domain name, even if the respondent has acquired no trademark or service mark rights; or

(iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

In the present case it clearly appears that none of the conditions are fulfilled.

Finally, it is reminded that WIPO Overview 3.0, section 2.1, states: "While 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 often-impossible 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. If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element."

The Panel finds that Complainant has established its prima facie case and, without any evidence from Respondent to the contrary and the pattern of conduct of the Respondent comfort it.

The Panel is satisfied that Complainant has satisfied the second element of the Policy.

C. Registered and Used in Bad Faith: Paragraph 4(a)(iii)

Whether a domain name is registered and used in bad faith for purposes of the Policy may be determined by evaluating four (non-exhaustive) factors set forth in paragraph 4(b) of the Policy: (i) circumstances indicating that the registrant has registered or the registrant has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the registrant's documented out-of-pocket costs directly related to the domain name; or (ii) the registrant has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the registrant has engaged in a pattern of such conduct; or (iii) the registrant has registered the domain name primarily for the purpose of disrupting the business of a competitor; or (iv) by using the domain name, the registrant has intentionally attempted to attract, for commercial gain, Internet users to the registrant's website or other online location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the registrant's website or location or of a product or service on the registrant's website or location.

As set forth in section 3.1.4 of WIPO Overview 3.0: "Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar… to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith." That is applicable here.

Further, the disputed domain name resolving to a website offering fake products of the Complainant, or at minimum the Respondent did not challenge this argument, would be construed as bad faith.

For the evidence provided with it appears that by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location. UDRP Policy, para. 4(b)(iv).

Accordingly, the Panel finds that Complainant has proven the third element of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **lupilude.com**: Transferred

PANELLISTS

Name	**David-Irving Tayer**

DATE OF PANEL DECISION 2025-12-04

Publish the Decision