

## **ADMINISTRATIVE PANEL DECISION**

Heaven Hill Distilleries, Inc. v. mesut erdogan  
Case No. D2025-1649

### **1. The Parties**

The Complainant is Heaven Hill Distilleries, Inc., United States of America (“US”), represented by Wyatt, Tarrant & Combs, US.

The Respondent is mesut erdogan, Türkiye.

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

The disputed domain name <heavenhilldistilleryhh.com> is registered with Dynadot Inc (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 24, 2025. On April 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 27, 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 (Private, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 29, 2025, 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 amended Complaint on the same day.

The Center verified that the Complaint together with the amended 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 April 30, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 20, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 21, 2025.

The Center appointed Catherine Slater as the sole panelist in this matter on May 23, 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 Complainant is a US company founded in 1935 as a bourbon distiller and distributor. It has sold bourbon under the HEAVEN HILL trademark since 1937 and has now grown to become the fifth largest supplier of spirits (including whiskeys, liqueurs, vodka and rum) in the US.

The Complainant owns trademark registrations in the US and worldwide for HEAVEN HILL (word mark) and other registrations utilizing the words HEAVEN HILL and incorporating other words and design elements, including the following:

-US Trademark 693986 for HEAVEN HILL (word mark), registered on March 1, 1960;

-European Union Trademark 1871235 for HEAVEN HILL (word mark), registered on December 12, 2001;

-US Trademark 7241512 for HH HEAVEN HILL DISTILLERY (design mark), registered on December 12, 2023.

The latter mark  consists of a circular design comprised of two concentric circles wherein the central circle contains an interlocking of design of two “H”s and the wording “HEAVEN HILL DISTILLERY” appears in circular form between the circles. There is a disclaimer of the term “distillery”.

The Complainant also owns various domain names including <heavenhilldistillery.com> which was registered on December 18, 2006.

The disputed domain name was registered on March 11, 2025. At the time of filing the Complaint and at the date of this Decision, the disputed domain name resolved to a website upon which it was offered for sale for USD 2,988.

#### 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 the Complainant's well-known HEAVEN HILL and HEAVEN HILL DISTILLERY trademarks since it wholly incorporates those marks with the simple addition of “HH” – the abbreviation of “Heaven Hill”. The Complainant notes that it owns three design mark registrations for HEAVEN HILL DISTILLERY HH which is identical to the disputed domain name. The Complainant notes that its Google search for “Heaven Hill Distillery HH” returns (on the first screen of results) hits related only to the Complainant.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name because the Respondent has made no bona fide offering of goods or services, is not commonly known by the disputed domain name and is not making noncommercial fair use of the disputed domain name. The Complainant further contends that the Respondent has used the disputed domain name solely for the purpose of offering it for sale for an exorbitant amount of money which does not amount to bona fide use or legitimate noncommercial or fair use.

The Complainant further contends that the disputed domain name was registered and is being used in bad faith because the Respondent registered the disputed domain name for the primary purpose of selling, renting or otherwise transferring the disputed domain name to the Complainant (or another entity) for valuable consideration in excess of the Respondent's out-of-pocket costs. The Complainant further contends that the Respondent has registered and used the disputed domain name for the purpose of profiting at the expense of the Complainant and its rights in the HEAVEN HILL and HEAVEN HILL DISTILLERY trademarks.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **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 of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[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.

As stated in section 1.10 of the [WIPO Overview 3.0](#), "to the extent that design (or figurative/stylized) elements would be incapable of representation in domain names, these elements are largely disregarded for purposes of assessing identity or confusing similarity under the first element". The Panel finds the textual component of the HH HEAVEN HILL DISTILLERY mark is recognizable within the disputed domain name. The Panel further finds that the disputed domain name also incorporates the entirety of the HEAVEN HILL mark. Accordingly, the disputed domain name is confusingly similar to the marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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.

As further discussed below, the Panel finds that the Respondent's offer of the disputed domain name for sale represents a targeting of the Complainant's trademarks, which cannot in the circumstances give rise to rights or legitimate interests on the part of the Respondent.

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 Panel notes that the Complainant has been using its HEAVEN HILL trademark since 1937 and is now the fifth largest spirits supplier in the US. The record would have benefitted from further evidence regarding use of the Complainant's trademarks both in the US and elsewhere (particularly bearing in mind that the Respondent's address is in Türkiye) such as actual sales levels, advertising volumes and/or third-party media coverage. However, the Complainant's trademarks are distinctive, have been used for a long period of time and on a not insignificant scale, the disputed domain name reproduces exactly the textual element of the HH HEAVEN HILL DISTILLERY trademark, the Respondent has failed to deny knowledge of the Complainant and its trademarks and has failed to provide any reason of its own for its choice of the disputed domain name. For these reasons, the Panel finds, on the balance of probabilities, that the Respondent registered the disputed domain name with the Complainant and its HEAVEN HILL and HH HEAVEN HILL DISTILLERY trademarks in mind and with the intention of taking advantage of the trademarks.

The Panel notes that the Respondent has made no use of the disputed domain name other than for the purpose of offering it for sale. The Panel therefore infers that the Respondent registered the disputed domain name primarily for the purpose of selling it to the Complainant or a competitor of the Complainant for valuable consideration in excess of the Respondent's out-of-pocket costs directly related to the disputed domain name (paragraph 4(b)(i) of 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 <heavenhilldistilleryhh.com> be transferred to the Complainant.

*/Catherine Slater/*

**Catherine Slater**

Sole Panelist

Date: June 6, 2025