

ADMINISTRATIVE PANEL DECISION

The Kraft Heinz Company v. Silverlight Solutions, Silverlight Solutions
Case No. D2025-0542

1. The Parties

The Complainant is The Kraft Heinz Company, United States of America ("US"), represented by CSC Digital Brand Services AB, Sweden.

The Respondent is Silverlight Solutions, Silverlight Solutions, United Kingdom ("UK").

2. The Domain Name and Registrar

The disputed domain name <hj-heinzfinance.com> is registered with Web Commerce Communications Limited dba WebNic.cc (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 12, 2025. On February 12, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 16, 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 (Domain Admin, Whoisprotection.cc) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 17, 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 February 19, 2025.

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 February 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 16, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 17, 2025.

The Center appointed Stefan Bojovic as the sole panelist in this matter on March 26, 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 multinational food company formed by the 2015 merger of Kraft Foods Group, Inc. ("Kraft") and H.J. Heinz Company ("Heinz"). The Complainant is one of the largest food and beverage companies in the world, which produces many food brands, including Heinz, Kraft, Oscar Mayer, Ore-Ida and Philadelphia. In 2023, the Complainant reported net sales of approximately USD 27 billion.

The Complainant has a number of subsidiaries throughout the world, including H.J. Heinz Finance UK PLC, that was incorporated in 1999 as a debt issuing vehicle. It engages in raising finance for acquisitions and to assist funding of working capital for its group companies.

The Complainant, through its subsidiaries, which include H.J. Heinz Foods UK Limited, H.J. Heinz US Brands LLC and Kraft Foods Group Brands LLC, owns the HEINZ trademark across various jurisdictions worldwide. In, particular, the Complainant and its subsidiaries are the owners of the following trademarks:

- US trademark registration No. 62182 for HEINZ, registered on April 23, 1907;
- UK trademark registration No. UK00000536471 for HEINZ, registered on November 8, 1932;
- European Union trademark registration No. 000178467 for HEINZ, registered on February 1, 1999.

The Complainant along with its subsidiaries also owns a number of domain names that include HEINZ trademark, such as the domain name <heinz.com>, registered on November 18, 1997. In addition, the Complainant's subsidiary Kraft Foods Group Brands LLC is the owner of the domain name <hj-heinz-finance.com>, registered on May 14, 2024.

The disputed domain name is registered on August 1, 2024, and, according to the undisputed evidence provided by the Complainant, initially it resolved to a website impersonating the Complainant's subsidiary H.J. Heinz Finance UK PLC and, later, to a webpage indicating that it is "under maintenance" and inviting users to "Get Notified when we relaunch." At the date of the Decision, the disputed domain name does not resolve to any active page.

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 HEINZ trademark. The Complainant holds that the addition of the words "hj" and "finance" does not prevent a finding of confusing similarity. In particular, the Complainant underlines that these additional terms are closely linked and associated with the Complainant, as "hj" stands for Henry John, founder of the H.J. Heinz company in 1869, while "finance" when combined with the additional term "hj" and the Complainant's HEINZ trademark makes a direct reference to the Complainant's H.J. Heinz Finance UK PLC entity. In addition, the Complainant holds that addition of the generic Top-Level-Domain ("gTLD") ".com" does not prevent a finding of confusing similarity.

With reference to rights or legitimate interests in respect of the disputed domain name, the Complainant contends that the Respondent is neither affiliated with, nor has it been licensed or permitted to use the Complainant's HEINZ trademark in any manner, including in domain names. The Respondent is also not

commonly known by the disputed domain name. The Respondent's inclusion of the Complainant's HEINZ trademark, as well as the Complainant's H.J. Heinz UK Finance PLC entity name, on the website previously available at the disputed domain name, was a direct effort to take advantage of the fame and goodwill that the Complainant has built in its brand, and the Respondent was not only using the confusingly similar disputed domain name, but was also imitating the Complainant by displaying the Complainant's H.J. Heinz UK Finance PLC entity name in conjunction with its actual address and Companies House number. This website also featured a telephone number for which a reverse UK phone lookup indicates that it is a spam risk and the image of the alleged MD/CEO of the company turned out to be taken from an unrelated website. By such use, the Respondent was not making a bona fide offering of goods or services or legitimate noncommercial or fair use of the disputed domain name.

With reference to the circumstances evidencing bad faith, the Complainant states that its HEINZ trademark is known internationally and that by registering a domain name that features the HEINZ trademark alongside additional terms relating to the Complainant, the Respondent has demonstrated a knowledge of and familiarity with the Complainant's brand and business. The fact that the Respondent had been using the disputed domain name to host a website impersonating the Complainant's H.J. Heinz Finance UK PLC entity clearly indicates use of the disputed domain name in bad faith. The Respondent's website featured the official address and Companies House number for company H.J. Heinz Finance UK PLC, along with a fraudulent phone number and image taken from an unrelated website, while offering financial and investment services to businesses and the general public. The Complainant also submits that the Respondent has provided false Whois information which is further evidence of bad faith. Namely, the Respondent's address is actually the address of the Complainant's H.J. Heinz Finance UK PLC entity, while a search of UK Companies House provides no evidence of a business known as "Silverlight Solutions" at the address indicated.

B. Respondent

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

6. Discussion and Findings

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 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.

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, “hj” and “finance”) 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 Complainant’s trademark for the purposes of the Policy.

[WIPO Overview 3.0](#), section 1.8.

In addition, it is well established that “.com”, as a gTLD, 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 HEINZ trademark. There appears to be no element from which the Panel could infer the Respondent’s rights or legitimate interests in the disputed domain name, or that the Respondent might be commonly known by the disputed domain name.

The Panel also finds that the composition of the disputed domain name, which contains the Complainant’s HEINZ trademark in combination with the terms “hj” and “finance” and is nearly identical to the Complainant’s own domain name <hj-heinz-finance.com>, coupled with the use of the disputed domain name, affirms the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website at the disputed domain name.

Furthermore, based on the undisputed evidence provided by the Complainant, the disputed domain name was used for a website that impersonated the Complainant’s subsidiary, by using inter alia its name, address and registration number. Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation or passing off) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 HEINZ trademark, especially having in mind the long-standing use and reputation of the Complainant's trademark. It is, therefore, unlikely that the Respondent decided to register a domain name containing this trademark in its entirety without having the Complainant in mind when doing so. It should be also borne in mind that the first registration and use of HEINZ trademark predates the registration of the disputed domain name for more than a century, making it unlikely that the Respondent was not aware of the Complainant's trademark at the time of registration of the disputed domain name. Also, the choice of additional words "hj" and "finance" that together with HEINZ trademark form the name of the Complainant's subsidiary in the UK and make the disputed domain name appear nearly identical to the Complainant's own domain name <hj-heinz-finance.com>, further indicates the Respondent's awareness of the Complainant's trademark. Finally, the fact that the Respondent has used the disputed domain name for the website that impersonated the Complainant's subsidiary leaves no room for doubt on the Respondent's knowledge of the Complainant and its HEINZ trademark and evidences that the Respondent actually had the Complainant in mind when registering the disputed domain name.

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

As indicated above, based on the undisputed evidence provided by the Complainant, the disputed domain name used to resolve to a website that impersonated the Complainant's subsidiary, inter alia by using its name, address and registration number. Furthermore, this website featured the phone number that is likely linked with spam and the image of the alleged CEO of the Complainant's subsidiary that was actually taken from an unrelated website. Such use of the disputed domain name manifestly indicates bad faith on the Respondent's side. In that sense, panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation and passing off) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

While the disputed domain name no longer resolves to an active website, such change of use and current passive holding does not prevent a finding of bad faith given the totality of the circumstances of the case at hand. [WIPO Overview 3.0](#), section 3.3.

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 <hj-heinzfinance.com> be transferred to the Complainant.

/Stefan Bojovic/

Stefan Bojovic

Sole Panelist

Date: April 9, 2025