ARBITRATION
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MEDIATION CENTER

WIPO
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INTELLECTUAL PROPERTY
ORGANIZATION

# ADMINISTRATIVE PANEL DECISION
Goya Foods, Inc. v. Domain Administrator
Case No. D2026-0449

## 1. The Parties

Complainant is Goya Foods, Inc., United States of America ("United States"), represented by Mayer Brown LLP, United States.

Respondent is Domain Administrator, United States.

## 2. The Domain Name and Registrar

The disputed domain name <goyafoodservice.com> is registered with NameSilo, LLC (the "Registrar").

## 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 4, 2026. On February 4, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 4, 2026, 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 / Privacy User #3cf17fb3, See PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to Complainant on February 5, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on February 5, 2026.

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 Respondent of the Complaint, and the proceedings commenced on February 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 26, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on February 27, 2026.

The Center appointed Bradley A. Slutsky as the sole panelist in this matter on March 6, 2026. 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

Complainant is a Delaware corporation that, according to the Complaint, produces and distributes "authentic Latino cuisine and is the largest Hispanic-owned food company in the United States. … Since the 1930s, Goya has invested hundreds of millions of dollars into building its brand from a humble storefront on Manhattan's Lower East Side to what it is today: a world-leading source of high-quality, affordable Latin cuisine products. … These products are sold throughout the United States almost everywhere that food and beverage products are sold, including in supermarkets, convenience stores, bodegas, wholesale stores and via the Internet through its retail website at http://shop.goya.com". The Complaint notes that Complainant sells more than USD 1.5 billion of goods and services annually under various GOYA-formative marks. Complainant owns a number of United States trademark registrations for GOYA marks, including the following:

| Mark | Jurisdiction | Reg. No. | Reg. Date | International Class(es) |
|---|---|---|---|---|
| GOYA | United States | 764,033 | January 28, 1964 (first use in commerce August, 1939) | 29, 30 |
| GOYA | United States | 962,193 | June 26, 1973 (first use in commerce August, 1939) | 1,5, 29, 30, 31, 32 |
| GOYA | United States | 1,283,430 | June 26, 1984 (first use in commerce June 1, 1970) | 25 |

Respondent is "Domain Administrator" of the United States. The disputed domain name was registered on June 22, 2025 and does not resolve to an active website. However, according to emails and a purchase order annexed to the Complaint, shortly after Respondent's registration of the disputed domain name, inquiries to vendors were sent using the email addresses "[…]@goyafoodservice.com" and "[…]@goyafoodservice.com", and using the names of two of Complainant's employees (a Senior Vice President, and a Director of Purchasing & Global Supply Chain) as well as another name that purported to be Complainant's Chief Financial Officer, seeking to purchase more than USD 100,000 in goods on "Net 30" terms billed to Complainant's address.

## 5. Parties' Contentions

### A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that the disputed domain name "incorporates both the GOYA Marks and the Complainant's corporate name Goya Foods and is confusingly similar, or a colorable imitation of the GOYA Marks, with the mere addition of the generic term 'food' and the generic term 'service'", with GOYA being Complainant's mark and Goya Foods, Inc. being Complainant's corporate name. Complainant also contends that Respondent has no rights or legitimate interests in the disputed domain name as Complainant has never authorized Respondent to use the disputed domain name nor has Respondent ever been an authorized representative or agent of Complainant. Complainant also notes that there is no evidence Respondent has been commonly known by the disputed domain name, nor any legitimate reason why Respondent would need to use Goya or Goyafoods in the disputed domain name. Moreover, Respondent registered the

disputed domain name more than 85 years after Complainant first began using the trademark in commerce. Complainant also argues that Respondent is not making a bona fide offering of goods or services in connection with the disputed domain name, but rather is using the disputed domain name to impersonate Complainant and its employees in order to try to obtain goods on credit based on Complainant's trademark and reputation. Finally, Complainant asserts that Respondent registered and is using the disputed domain name in bad faith, as Respondent was aware of Complainant's mark at the time Respondent registered and began using the disputed domain name, and Respondent allegedly is using the disputed domain name "to commit fraud by impersonating the Complainant in emails, on purchase orders, and on requests for price quotes sent to third-party businesses in an effort to obtain tens of thousands of dollars' worth of goods".

**B. Respondent**

Respondent did not reply to Complainant's contentions.

## 6. Discussion and Findings

Pursuant to paragraph 15(a) of the Rules, a panel in UDRP proceedings "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".

Under paragraph 4(a) of the Policy, Complainant must prove the following:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;

(ii) Respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) 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 Complainant's trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 1.7.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other terms, here, "food" and "service", 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 mark for the purposes of the Policy. WIPO Overview 3.1, section 1.8; *Tyson Foods, Inc. v. R3D HACKCID*, WIPO Case No. D2017-0182 ("The Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark as it reproduces the trademark in its entirety with the addition of the descriptive term 'foods' and the generic word 'incorp' (abbreviation of 'incorporated'), which are not sufficient to avoid confusing similarity.").

The addition of the ".com" generic Top-Level Domain ("gTLD") also does not prevent a finding of confusing similarity. The gTLD in a domain name "is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test". WIPO Overview 3.1, section 1.11.1.

Accordingly, 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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

"Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate [Respondent's] rights or legitimate interests to the domain name for purposes of paragraph 4(a)(ii):

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

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

(iii) [Respondent is] making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue." Policy, paragraph 4(c).

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving that 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 3.1, section 2.1.

Having reviewed the available record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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.

There is no evidence that Respondent has used or prepared to use the disputed domain name in connection with a bona fide offering or goods or services, or has been commonly known by the disputed domain name, or is making a legitimate noncommercial or fair use of the disputed domain name.

The only evidence of Respondent's use of the disputed domain name is for emails that attempt to pass off as originating from Complainant in an effort to obtain goods on credit, with the bill for the goods ultimately being sent to Complainant's address. Panels have held that the use of a domain name for illegal activity, here, claimed to be fraud by falsely identifying as Complainant's employees when ordering goods, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1. There is no evidence that Respondent is licensed or otherwise permitted to use Complainant's marks. This also is evidence of lack of rights or legitimate interests. *Telstra Corporation Ltd. v. Nuclear Marshmallows*, WIPO Case No. D2000-0003 ("In light of (i) the fact that the Complainant has not licensed or otherwise permitted the Respondent to use any of its trademarks or to apply for or use any domain name incorporating any of those marks … the Administrative Panel finds that the Respondent has no rights or legitimate interests in the domain name.").

Accordingly, 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. Specifically, "the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

(i) circumstances indicating that [Respondent has] registered or [Respondent 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 [Respondent's] documented out-of-pocket costs directly related to the domain name; or

(ii) [Respondent 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 [Respondent has] engaged in a pattern of such conduct; or

(iii) [Respondent has] registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, [Respondent has] intentionally attempted to attract, for commercial gain, Internet users to [Respondent'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 [Respondent's] website or location or of a product or service on [Respondent's] website or location." Policy, paragraph 4(b).

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 3.1, section 3.2.1.

In the present case, the Panel notes that there is unrebutted evidence that Respondent used the disputed domain name to send emails that falsely claimed to be from Complainant's employees, and that sought to purchase over USD 100,000 in goods on credit, with the bill being sent to Complainant. Panels have held that the use of a domain name for illegal activity, here, claimed to be fraud and passing off, constitutes bad faith. WIPO Overview 3.1, section 3.4; *Howmet Aerospace Inc. v. Ralf Weiss*, WIPO Case No. D2024-5041 ("just eight days after registering the disputed domain name, Respondent used the disputed domain name to impersonate Complainant in an effort to convince a vendor to provide goods to Respondent without payment. This indicates that Respondent registered the disputed domain name with knowledge of Complainant's HOWMET trademark and with the intent to trade off of the goodwill associated with Complainant's trademark (and the confusion of the disputed domain name therewith) for commercial gain, as described in paragraph 4(b)(iv) of the Policy. Panels have held that the use of a domain name for such illegal activity constitutes bad faith.").

Accordingly, the Panel finds that 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 <goyafoodservice.com> be transferred to Complainant.

*/Bradley A. Slutsky/*
**Bradley A. Slutsky**
Sole Panelist
Date: March 20, 2026