DISPUTE RESOLUTION SERVICE DECISION

Old Kentucky Restaurant Ltd v. Ali Raza
Case No. DUK2026-0094

1. The Parties

The Complainant is Old Kentucky Restaurant Ltd, United Kingdom, represented by Brandsmiths SL Limited, United Kingdom.

The Respondent is Ali Raza, Pakistan.

2. The Domain Name and Registry

The disputed domain name <harvastermenus.uk> ("Domain Name") is registered with Nominet UK ("Nominet" or the "Registry").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center ("Center") on 9 September 2026. On 9 September 2026, the Center transmitted by email to the Registry a request for registry verification in connection with the Domain Name. On 10 September 2026, the Registry transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from that of the named Respondent "*Respondent*". The Center sent email communications to the Complainant on 10 September 2026 and 14 September 2026, requesting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on 15 September 2026.

The Center verified that the Complaint satisfied the formal requirements of Nominet's Dispute Resolution Service Policy ("Policy" or "DRS Policy").

In accordance with the Policy, paragraphs 3 and 6, the Center formally notified the Respondent of the Complaint on 16 September 2026. In accordance with the Policy, paragraph 7, the due date for Response was 7 October 2026. The Response was filed

with the Center on October 6, 2026. The Respondent sent email communications to the Center on 16 September 2026, 6 October 2026, and 7 October 2026.

In accordance with the Policy, paragraph 9, the due date for the Complainant's Reply was 15 October 2026. The Complainant did not submit a Reply.

The Parties were invited to mediation on 16 October 2026. The Registry confirmed on 4 November 2026, that the mediation was unsuccessful. The Complainant paid the fee for an expert decision on 10 November 2026.

The Center appointed Chris Tulley as the Expert in this matter on 20 November 2026. The Expert has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Policy, paragraph 15.

4. Factual Background

- The Complainant operates a well-known substantial pub restaurant business in the United Kingdom that has been established since 1983 under the HARVESTER name and mark. Its website can be found at "www.harvester.co.uk".
- The Complainant is also the owner of several registered United Kingdom trade marks for HARVESTER as a word and as part of a logo mark.
- The Domain Name was registered on 26 August 2025 by the Respondent, who has no association with the Complainant.
- The Domain Name has been used to resolve to a website at "www.harvastermenus.uk" which contains extensive information about the Complainant, its business and the products it features on its various menus. It also contains a link to a similar information website dedicated to Pizza Hut in the United Kingdom, a competitor of the Complainant.

5. Parties' Contentions

In summary, in the Complaint, which was supported by various exhibits, the Complainant made the following submissions:

- The Complainant has Rights because it is the owner of several registered United Kingdom ("UK") trade marks for HARVESTER as a word and as part of a logo mark ("Harvester Trade Marks") covering various food and drink related goods and services.
- The Complainant has used the Harvester Trade Marks since at least 1983 in the UK in relation to food and restaurant services and has over 220 Harvester restaurants across the UK serving over 30 million people every year, with sales in excess of £200 million for the past three years.

- The Complainant has been the registrant of the <harvester.co.uk> domain name since 21 March 1997 which it uses to resolve to its website at "www.harvester.co.uk" ("Complainant's Website").
- The Complainant provides family pub restaurant and takeaway services throughout the UK, offering various menus, such as "*breakfast menu*", "*lunch menu*" and "*drinks menu*". The Complainant also provides various deals and holiday focused promotions to incentivize customers to come to its restaurants and it also sells products at its restaurants, for example sauces.
- This longstanding and extensive use of the HARVESTER mark has resulted in significant goodwill and reputation in relation to food, drink and restaurant services and will undoubtedly be recognized by the public as indicating the goods and services of the Complainant.
- The Domain Name was registered on 26 August 2025, which postdates the Complainant's use and registration of the Harvester Trade Marks.
- The Domain Name in the hands of the Respondent is an Abusive Registration because:
    - The Respondent has used a highly similar mark "HARVASTER" as part of the Domain Name.
    - The Respondent has used the identical mark "HARVESTER" throughout the contents of the website at "www.harvastermenus.uk" to which the Domain Name resolves ("Respondent's Website").
    - The Respondent's Website copies the "get up" and feel of the Complainant's Website. In particular it includes and uses:
        - a highly similar green colour scheme throughout;
        - a highly similar "H" logo which incorporates the identical trade mark "HARVESTER" and a leaf. The Complainant's Trade Marks for its logo also contain a leaf/plant element;
        - images of the Complainant's sauce products; and
        - identical information about the Complainant, its history, commercial activities and promotional offers, for example stating "*Harvester has been offering fresh and tasty food since 1983 and currently boasts of over 220 restaurants in the UK. Additionally, it has been a preferred option by families, friends and any other people who love good foods in a warm welcoming environment.*"
    - As the Respondent has used the Harvester Trade Marks, a highly similar get-up and has taken information directly from the Complainant's Website, it is clear that the Respondent was aware of the Complainant's business, reputation and goodwill when registering the Domain Name, and as such it constitutes flagrant abuse.
    - The Respondent has intentionally created a fraudulent Abusive Registration, using a highly similar and/or identical mark to the Harvester Trade Marks and using the Complainant's reputation and goodwill to direct customers to the Respondent's Website.

- The Domain Name has been registered and used by the Respondent to purposefully confuse the public and advertisers into thinking that it is controlled or authorised by and/or associated or connected with the Complainant, when it is not.
- In particular, the Respondent's Website states *"The purpose of Harvester Menu UK is to offer a trusted platform where visitors explore menu details, prices, and restaurant updates in one place. While the official Harvester website provides basic information, we go further by offering detailed insights, reviews, and customer-focused content".* Using phrasing such as "trusted" further reinforces the idea that the use of the Domain Name is authorised and a legitimate business, when it is not.
- The Respondent has registered the Domain Name as a blocking registration against the Complainant's Trade Marks in which the Complainant has Rights.
- The Domain Name has not been registered or used for a legitimate business purpose. The Respondent does not have any legitimate reason for having registered the Domain Name but has done so with the intention of disrupting the Complainant's business, which it undoubtedly will.

The Respondent responded to the Complaint in several emails, in which he made the following submissions:

- The Respondent is no longer actively working on or involved with the Respondent's Website but still has limited access to it.
- If closing the Respondent's Website or removing / changing any specific content can help to resolve this matter the Respondent is willing to take the necessary action where possible, and to cooperate and do whatever is reasonably required to help resolve this matter.
- After that, if the Complainant still requires the Domain Name to be transferred to it the Respondent will do so, but he says, "*why free of cost there should be some charges*".

The Complainant did not file a Reply.

6. Discussion and Findings

What must the Complainant prove in order to succeed?

In order to succeed in this DRS dispute, the Complainant must prove, on the balance of probabilities, two matters, namely that:

a) the Complainant has Rights in respect of a name or mark which is identical or similar to the Domain Name; and

b) the Domain Name, in the hands of the Respondent, is an Abusive Registration.

These terms are defined in the DRS Policy as follows:

Rights means rights enforceable by the Complainant, whether under English law or otherwise, and may include rights in descriptive terms which have acquired a secondary meaning.

Abusive Registration means a Domain Name which either:

i. was registered or otherwise acquired in a manner which, at the time when the registration or acquisition took place, took unfair advantage of or was unfairly detrimental to the Complainant's Rights; or

ii. is being or has been used in a manner which took unfair advantage of or was unfairly detrimental to the Complainant's Rights.

Does the Complainant have Rights?

The Complainant has several registered trade marks comprising the HARVESTER name and in addition a substantial established pub restaurant-based business under the name in the United Kingdom.

In the circumstances, the Complainant clearly has Rights in the HARVESTER name and mark for the purposes of the DRS Policy.

Are those Rights in respect of a name or mark which is identical or similar to the Domain Name?

In assessing whether a domain name is identical or similar to a name or mark, the ".uk" suffix may be ignored, unless perhaps the name or mark concerned itself includes a particular top-level domain suffix, which is not the case here.

The first part of the Domain Name is just one letter different to the Complainant's HARVESTER mark, replacing the first 'e' in the middle of the word with an 'a'. The second part of the Domain Name adds the word 'menus', a word which is associated with the Complainant's established area of business.

In the circumstances, the Expert finds that the Domain Name is similar to the Complainant's HARVESTER mark.

Is the Domain Name, in the hands of the Respondent, an Abusive Registration?

Paragraph 5 of the DRS Policy sets out examples which may be evidence that the Domain Name is an Abusive Registration.

The Complainant relies upon paragraphs 5.1.1.2, 5.1.1.3 and 5.1.2, which state:

> *"5.1.1 Circumstances indicating that the Respondent has registered or otherwise acquired the Domain Name primarily:*
>
> *5.1.1.1 ……;*

5.1.1.2 as a blocking registration against a name or mark in which the Complainant has Rights; or

5.1.1.3. for the purpose of unfairly disrupting the business of the Complainant."

"5.1.2 Circumstances indicating that the Respondent is using or threatening to use the Domain Name in a way which has confused or is likely to confuse people or businesses into believing that the Domain Name is registered to, operated or authorised by, or otherwise connected with the Complainant."

The examples in paragraph 5.1.1 of the Policy concern the Respondent's motives at the time of registration or acquisition of the Domain Name. Paragraph 5.1.2 deals with the use subsequently made of the Domain Name.

There is no evidence that the Complainant is known for registering misspellings of its main HARVESTER mark, with or without additional word appendages appropriate to the Complainant's field of activity. The Respondent has subsequently used the Domain Name to resolve to a website that contains extensive information about the Complainant, its business and the products on its various menus. In the circumstances, it is not likely that the Respondent's purpose when registering the Domain Name was primarily to act as a block to prevent the Complainant from itself registering it.

The use made of the Domain Name has been to resolve to the Respondent's Website. The Complaint quoted from the stated purpose of the Respondent's Website, which mentioned and compared itself to "*the official Harvester website*" saying that "*we go further by offering detailed insights, reviews, and customer-focused content".*

That statement is not easy to find on the Respondent's Website. A visitor has to scroll down a long way, right down to the footer to find it as part of a separate section after clicking on a link headed "*About Us*", which sits alongside links to "*Terms and Conditions"*, the "*Privacy Policy"* and "*Disclaimer – Harvester Menu"*, which actually just takes the visitor to a blank page.

Just above the footer there is an invitation to "*Visit Official Harvester Website"* with a link to a section of the Complainant's Website at "www.harvester.co.uk/menus/ourmenus#/".

But the Respondent's Website adopts a similar get-up and has copied information directly from the Complainant's Website. The overall content of the Respondent's Website gives every impression of it being an official or authorised website of the Complainant. That is likely to cause an unfair disruption to the business of the Complainant, and likely been the primary purpose of the Respondent when initially registering or acquiring the Domain Name.

Section 3.3 of the Experts' Overview[1] discusses the issue of 'initial interest confusion'. This is when, due to the similar or identical nature of the domain name in issue to that of the complainant's name or mark, the speculative visitor to the website to which it resolves will likely be visiting it in the hope and expectation that the website is one "*operated or authorised by, or otherwise connected with the Complainant.*" It states as follows:

[1] The DRS Experts' Overview is published on the Nominet website to assist all participants or would-be participants in disputes under the DRS Policy by explaining commonly raised issues and how Experts, the members of Nominet's panel of independent adjudicators, have dealt with those issues to date and identifying any areas where Experts' views differ.
Nominet .UK Dispute Resolution Service (DRS), administered by WIPO.

"Commonly, Internet users will visit web sites either by way of search engines or by guessing the relevant URL. If the domain name in dispute is identical to the name of the Complainant and that name cannot sensibly refer to anyone else, there is bound to be a severe risk that a search engine, which is being asked for the Complainant, will produce high up on its list the URL for the web site connected to the domain name in issue. Similarly, there is bound to be a severe risk that an Internet user guessing the URL for the Complainant's web site will use the domain name for that purpose.

*In such cases, the speculative visitor to the registrant's web site will be visiting it in the hope and expectation that the web site is a web site "*operated or authorised by, or otherwise connected with the Complainant*." This is what is known as 'initial interest confusion' and the overwhelming majority of Experts view it as a possible basis for a finding of Abusive Registration, the vice being that even if it is immediately apparent to the visitor to the web site that the site is not in any way connected with the Complainant, the visitor has been deceived. Having drawn the visitor to the site, the visitor may well be faced with an unauthorised tribute or criticism site (usually the latter) devoted to the Complainant; or a commercial web site, which may or may not advertise goods or services similar to those produced by the Complainant. Either way, the visitor will have been sucked in/deceived by the domain name*
…

Findings of Abusive Registration in this context are most likely to be made where the domain name in issue is identical to the name or mark of the Complainant and without any adornment (other than the generic domain suffix). See for example DRS 00658 (chivasbrothers.co.uk).

The further away the domain name is from the Complainant's name or mark, the less likely a finding of Abusive Registration. However, the activities of typosquatters are generally condemned - see for example DRS 03806 (privalege.co.uk) - as are those people who attach as appendages to the Complainant's name or mark a word appropriate to the Complainant's field of activity. See for example the Appeal decisions in DRS 00248 (seiko-shop.co.uk) and DRS 07991 (toshiba-laptopbattery.co.uk).

…"

This is a clear 'typosquatter' case and one where the Domain Name also comprises an appendage added to the misspelling of the Complainant's mark of a word that is appropriate to the Complainant's field of activity. In addition, the second section at the top of the main home page of the Respondent's Website includes a prominent link to a similar information website at "www.pizzahutbuffetuk.com", which is dedicated to Pizza Hut in the UK. Pizza Hut is another well-known restaurant chain and is a competitor of the Complainant.

The risk of initial interest confusion is readily apparent in this case.

For the reasons outlined above, the Expert finds that the Complainant has proved, on the balance of probabilities, that it has Rights in respect of a name or mark which is identical or similar to the Domain Name and that the Domain Name, in the hands of the Respondent, is an Abusive Registration.

7. Decision

For the foregoing reasons, in accordance with paragraphs 18 and 19 of the Policy, the Expert orders that the Domain Name <harvastermenus.uk> be transferred to the Complainant.

Chris Tulley
Expert
Date: 25 November 2026