

ADMINISTRATIVE PANEL DECISION

D Et ve Et Ürünleri Gıda Pazarlama Ticaret Anonim Şirketi v. James Lissaint
Case No. DAI2024-0073

1. The Parties

The Complainant is D Et ve Et Ürünleri Gıda Pazarlama Ticaret Anonim Şirketi, Türkiye, represented internally.

The Respondent is James Lissaint, United States of America (“United States”).

2. The Domain Name and Registrar

The disputed domain name <saltbae.ai> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 18, 2024. On November 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 18, 2024, 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 (Name Cheap (Registrar)/ Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 18, 2024, 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 amendment to the Complaint on November 19, 2024.

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 the Respondent of the Complaint, and the proceedings commenced on November 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 10, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 12, 2024.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on December 17, 2024. 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 exploits the restaurant business, promoting Nusret Gökçe, known as Salt Bae, a chef that became an Internet celebrity for his different cooking techniques. According to the Complainant's website (available at "<https://www.nusr-et.com.tr/a-pioneering-icon-nusret-gokce.aspx>"), the Complainant has restaurants in Türkiye, Dubai, Abu Dhabi, Doha, London, Mykonos, New York, Miami, Las Vegas, Beverly Hills and Dallas.

The Complainant is the owner, amongst others, of the following trademark registrations (Annex 2 to the Complaint):

- United States trademark registration No. 5,514,713, for the word and device mark SALTBAE, registered on July 10, 2018, in classes 25 and 43;
- United States trademark registration No. 6,014,659, for the word mark SALTBAE, registered on March 17, 2020, in class 43;
- European Union trademark registration No. 016271975, for the word and device mark SALTBAE, registered on June 20, 2017, in classes 29, 30 and 35
- European Union trademark registration No. 018159275, for the word mark SALTBAE, registered on May 22, 2020, in classes 25 and 43; and
- Türkiye trademark registration No. 2017 04303, for the word and device mark SALTBAE, registered on August 4, 2017, in classes 25 and 43; and
- Türkiye trademark registration No. 2024 043108, for the word mark SALTBAE, registered on August 6, 2024, in all 45 classes.

The disputed domain name was registered on May 2, 2024, and presently resolves to an active webpage promoting "a community-driven project" "inspired by the iconic Salt Bae meme" and offering the cryptocurrency "Salt Bae For The People (SBAE)"

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 identical to the Complainant's registered trademark, protected in multiple jurisdictions, being the Complainant's trademark widely recognized within the culinary and restaurant industries, in connection with which the Complainant has been conducting business for over a decade, under the SALTBAE trademark, providing food and beverage services.

Regarding the absence of the Respondent's rights or legitimate interests, the Complainant argues that the Respondent does not hold any trademark or legitimate right over the disputed domain name; and that the disputed domain name is not being used in connection with a bona fide offering of goods or services, rather the Respondent is seeking to profit from the undue association with the Complainant's established trademark and reputation, being the Respondent's use of the disputed domain name characterized as improper and harmful to the Complainant's trademark.

As to the registration and use of the disputed domain name in bad faith, the Complainant asserts that the Respondent clearly targeted the Complainant's well-established and widely recognized SALTBAE trademark, aiming to attract Internet users in a deliberate effort to mislead them and take advantage of the Complainant's reputation, thus capitalizing in the confusion generated and benefiting from the Complainant's hard-earned goodwill and leading Internet users into mistakenly believing that the Respondent is affiliated with or endorsed by the Complainant, what is not true.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy sets forth the following three requirements, which have to be met for this Panel to order the transfer of the disputed domain name to the Complainant:

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

The Complainant must prove in this administrative proceeding that each of the aforementioned three elements is present in order to obtain the transfer of the disputed domain name.

In accordance with paragraph 14(a) of the Rules, if the Respondent does not submit a Response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

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 mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark 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.

In that sense, and according to the evidence submitted, the Complainant has made a prima facie case against the Respondent who has not been commonly known by the disputed domain name and is neither licensed nor authorized by the Complainant to use the SALTBAE trademark.

Also, the lack of evidence as to any trademarks registered by the Respondent corresponding to the disputed domain name, corroborates the indication of an absence of rights or legitimate interests in the disputed domain name.

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain name.

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.

The Complainant registered its SALTBAE trademark in multiple jurisdictions many years before the Respondent's registration of the disputed domain name. The Panel is of the view that the Respondent knew or should have known of the Complainant's well-known SALTBAE trademark when registering the disputed domain name.

Moreover, in these circumstances, bad faith of the Respondent is also supported here by: (i) the website available at the disputed domain name which expressly states to have been "inspired by the iconic Salt Bae meme"; (ii) the lack of reply by the Respondent invoking any rights or legitimate interests; and (iii) the Respondent's lack of reply to the email contact attempt made by the Complainant prior to this proceeding.

For the reasons above, the Panel finds that the Respondent has registered and is using the disputed domain name in bad faith pursuant to paragraph 4(b)(iv) of the Policy. The third element of the Policy has therefore been met.

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 <saltbae.ai> be cancelled.

/Wilson Pinheiro Jabur/

Wilson Pinheiro Jabur

Sole Panelist

Date: December 31, 2024