

## **ADMINISTRATIVE PANEL DECISION**

East Coast Renaissance, LLC v. 8 Socks, LLC, N.G.  
Case No. D2025-0940

### **1. The Parties**

Complainant is East Coast Renaissance, LLC, United States of America (“U.S.”), represented by Lasher Holzapfel Sperry & Ebberson, U.S.

Respondent is 8 Socks, LLC, N.G., U.S., represented by John Berryhill, Ph.D., Esq., U.S.

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

The disputed domain name <seattlefoodtrucks.org> (the “Domain Name”) is registered with NameSilo, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 6, 2025. On March 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On the same day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (8 Socks, LLC) and contact information in the Complaint.

The Center sent an email to Complainant on March 19, 2025, 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 March 20, 2025.

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 March 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 13, 2025. The Response was filed with the Center on March 26, 2025.

The Center appointed Robert A. Badgley as the sole panelist in this matter on April 1, 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

According to the Complaint:

“The Complainant ECR is a local organization that has continually operated the Existing Domain [Complainant’s domain name <seattlefoodtruck.com>] since 2011. [...] In addition to the Existing Domain, ECR owns and operates similar domain names for purposes of protecting its brand, increasing its online presence, and to prevent cybersquatting.”

The other domain names owned by Complainant include: <seattlefoodtrucks.com> (registered August 5, 2010), <seattlefoodtrucks.net> (registered April 8, 2024), <seattlefoodtruck.net> (registered March 17, 2024), <seattlefoodtruck.org> (registered March 17, 2024); and <seattlefoodtruckfestival.com> (registered March 17, 2017).

Complainant alleges:

“For more than a decade, the Existing Domain has served as a vibrant platform for the Seattle community by connecting local food trucks and providing a space for residents to easily discover and support diverse, small businesses. By featuring up-to-date schedules, locations, and menus, the site enhances visibility for food truck owners, driving foot traffic and customer engagement. This boosts sales and fosters growth for small, mobile businesses. Since 2011, the Existing Domain has contributed to Seattle’s economic vitality by promoting local entrepreneurship and community connection. Indeed, the Complainant and the Existing Domain are well known and appear regularly in local news outlets promoting their partnerships and related engagements.”

At its website, located at <seattlefoodtruck.com>, Complainant provides information about local food truck businesses in the Seattle, Washington area, including links to those businesses’ sites which in turn indicate their trucks’ scheduled locations, menus, and so forth.

Complainant filed an application with the United States Patent and Trademark Office (“USPTO”) on May 14, 2024, to register the mark SEATTLE FOOD TRUCK.COM in connection with, among other things, “advertising and directory services, namely, promoting the services of others by providing a web page featuring links to the websites of others” and “catering services”. The trademark application claims a March 2011 date of first use in commerce.

In its March 6, 2025, Complaint and again in its March 20, 2025, Amended Complaint, Complainant described this USPTO application as “currently pending”. Complainant failed to mention in either pleading, however, that on December 16, 2024, the USPTO had issued a Nonfinal Office Action which stated that Complainant’s trademark application was being “refused because the applied-for mark is primarily geographically descriptive of the origin of Applicant’s services”.

It appears that Complainant has responded to the USPTO’s Nonfinal Office Action, and hence in that strict sense Complainant’s application is still “pending”.

The Domain Name was registered on February 2, 2018. On that same day, or on the previous day, Respondent registered 20 other domain names, all with the “.org” Generic Top-Level Domain, pertaining to food trucks in specific (mostly urban) areas, such as <miamifoodtrucks.org>, <dallasfoodtrucks.org>, <ohiofoodtrucks.org>, <vancouverfoodtrucks.org>, <dallasfoodtrucks.org>, etc.

As of March 25, 2025, Respondent’s website promoted the “Best Food Trucks in Seattle”.

According to Respondent:

“The Respondent’s principal, Mr. N.G. is the founder of Streetfoodfinder.com - a nationwide advertising and directory system for food trucks. Having founded Streetfoodfinder.com as an individual, the Respondent formalized his business in 2015 by forming 8 Socks LLC. [...] The Respondent also is the publisher of the 48th most popular ‘food & drink’ app in the Apple app store - Streetfoodfinder - of which the first version was published nine years ago. [...] [T]he website at Streetfoodfinder.com was launched by Respondent’s principal in 2013 after its registration that year.”

Annexed to the Response are screenshots which corroborate the foregoing allegations by Respondent.

On December 13, 2024, Complainant’s counsel sent Respondent a cease-and-desist letter demanding, among other things, a transfer of the Domain Name. It does not appear from the record that Respondent ever replied to this cease-and-desist letter.

## **5. Parties’ Contentions**

### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

### **B. Respondent**

Respondent contends that Complainant lacks protectable trademark rights, given the refusal of the USPTO to grant Complainant’s trademark application and the lack of an evidentiary showing of acquired distinctiveness in the record of this case. According to Respondent, Complainant has made no showing that “seattlefoodtruck.com” has become accepted among consumers as a source identifier for Complainant’s services; rather, Respondent argues, there is widespread descriptive use of the term “Seattle food trucks”, and Respondent provides several examples of same in its Response.

Respondent also asserts that it has a legitimate interest in the Domain Name, which it uses in good faith as a descriptive term in conjunction with its overall business of providing information about food trucks in various locations.

Finally, Respondent asserts: “Furthermore, given the scope of deliberate omissions and misrepresentations throughout the Complaint, the Respondent submits that this Proceeding was brought in bad faith as an anti-competitive attempt to assert ‘rights’ in an industry-standard descriptive term.” These omissions include Complainant’s failure to mention that its USPTO trademark application currently stands rejected (although the matter is not concluded at this juncture). These omissions also include, Respondent asserts, Complainant’s glossing over the fact that an apparently unrelated person (“LW”) actually owned the domain name <seattlefoodtruck.com> for several years from 2011 until at least 2017, as shown by documents annexed to the Response. The record is silent on any express assignment of business or trademark rights from LW to Complainant, which silence calls into question Complainant’s repeated claim to have been operating its business since 2011.

## **6. Discussion and Findings**

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and

- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

### **A. Identical or Confusingly Similar**

The Panel declines to decide whether Complainant owns rights in a trademark. First, there is currently an application before the USPTO regarding this issue. Second, if Complainant has made a showing of protectable trademark rights in the record of this UDRP case, it is a weak showing at best, with little more than bare assertions of acquired distinctiveness, unsupported by evidence. Third, and most fundamentally, the Panel need not address this issue because the Complaint fails on the “Rights or Legitimate Interests” and “Registered and Used in Bad Faith” elements, discussed below.

### **B. Rights or Legitimate Interests**

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent has a legitimate interest in respect of the Domain Name. As argued above by Respondent and as addressed in the USPTO’s Nonfinal Office Action, the words “Seattle food trucks” (or “truck” in the singular) are largely descriptive, and hence more likely to be used legitimately by multiple parties. On this record, the Panel finds that Respondent registered the Domain Name – simultaneously with 20 other domain names – for its descriptive quality, and not in order to trade off the purported fame of another party’s trademark. For several years after registering the Domain Name, the record shows that Respondent has in fact been using the Domain Name to host a website offering services described by the words contained in the Domain Name. There is simply no reliable evidence of Respondent targeting a trademark in this record.

Complainant has not established Policy paragraph 4(a)(ii). The Complaint fails.

### **C. Registered and Used in Bad Faith**

Paragraph 4(b) of the Policy provides that the following circumstances, “in particular but without limitation”, are evidence of the registration and use of the Domain Name in “bad faith”:

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that 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) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that 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 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.

The Panel concludes, for the reasons discussed above, that Respondent did not register the Domain Name in bad faith.

#### **D. Reverse Domain Name Hijacking**

The Panel finds that Complainant has committed Reverse Domain Name Hijacking ("RDNH"). Nowhere in the Complaint, or annexes thereto, was there a mention of the USPTO's refusal of Complainant's trademark application. Although the USPTO's refusal is, at this moment, non-final and the application is "currently pending", the Panel finds it highly misleading to omit this information. As noted in *Valhallan, LLC v. Casey Strattan*, WIPO Case No. [D2023-0977](#):

"It is not the job of a UDRP complainant's counsel to make out the respondent's case for him, but a modicum of candor is required, particularly given the lack of discovery, cross-examination, and so forth in UDRP cases. Complainant, represented by counsel (indeed, the same counsel who received the USPTO refusal notice), has abused this process by concealing the true status of the USPTO application. If there had been no Response filed in this action, the Panel would have been under the false impression that the USPTO application was sailing along smoothly, with no obstacles in its way."

In many cases where an RDNH finding is made, it is because the complainant should have known that its complaint was doomed to fail, but pursued the case anyhow. In the instant case, the Panel makes no such finding, largely because Respondent did not reply to the cease-and-desist letter. If Respondent had replied to that letter and provided the information it furnished with the Response to this UDRP Complaint, then a "doomed to failure" RDNH finding may have been warranted.

In sum, the Panel finds RDNH here based on Complainant's misleading omission about the status of its USPTO application.

#### **7. Decision**

For the foregoing reasons, the Complaint is denied. The Panel finds that Complainant has committed Reverse Domain Name Hijacking.

*/Robert A. Badgley/*  
**Robert A. Badgley**  
Sole Panelist  
Date: April 15, 2025