

ADMINISTRATIVE PANEL DECISION

Fat Sal's Branding, LLC v. Nanci Nette
Case No. D2025-0795

1. The Parties

The Complainant is Fat Sal's Branding, LLC, United States of America, represented by IPLA, United States of America.

The Respondent is Nanci Nette, United States of America.

2. The Domain Name and Registrar

The disputed domain name <fatsals.com> is registered with Domaincomesaround.com LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 26, 2025. On February 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 26, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. This was informed to the Complainant, and it filed an amended Complaint on February 28, 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 March 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on March 24, 2025.

The Center appointed R. Eric Gaum as the sole panelist in this matter on March 31, 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

Complainant owns multiple trademark registrations for its FAT SAL'S and Fat Sal's Logos (collectively the "Fat Sal's Marks") worldwide for use in connection with a variety of restaurant, food, and clothing related goods (the "Fat Sal's Goods and Services").

Below are Complainant's earliest trademark registrations for the Fat Sal's Marks in the United States:

Trademark	Goods / Services	Country	Registration Date
FAT SAL'S Registration No. 4112605 Filed: August 27, 2010	Class 43: Delicatessens Date of first use: July 1, 2010	United States	March 13, 2012
FAT SAL'S Registration No. 5508810 Filed: September 24, 2014	Class 30: Prepared or packaged foods, namely, sandwiches and sandwich wraps for human consumption	United States	July 3, 2018
FAT SAL'S Registration No. 4960437 Filed: September 24, 2014	Class 25: T-shirts, sweatshirts, jackets, baseball caps, headwear and footwear Class 43: Restaurant, bar and catering services	United States	May 17, 2016

Complainant has continuously used, and owned trademark registrations for the Fat Sal's Marks in connection with its delicatessen goods and services since at least as early as 2012 and has common law trademark rights in the United States in the Fat Sal's Marks in connection with restaurant, bar, and catering goods and services since at least as early as June 1, 2010.

Complainant owns and operates the following domain name: <fatsalsdeli.com> created on March 7, 2010. This disputed domain name was registered on February 28, 2016 and resolves to a website with pay-per-click ("PPC") links.

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 the following:

Complainant owns and operates a chain of popular and well-known restaurants under the Fat Sal's Marks with locations in Las Vegas and across Los Angeles, including Westwood, Hollywood, Culver City, Venice Beach, Encino, Lincoln Heights, Koreatown, and LAX.

Due to Complainant's strategic marketing and advertising efforts, Fat Sal's Marks have been featured by numerous broadcast TV shows and radio shows, including the Food Network, Travel Channel, Hallmark

Channel, Playboy Channel, Discovery, Planet Green TV, and HBO. Complainant's restaurant, bar, and catering services under the Fat Sal's Marks have also been recognized and published in news-article media outlets, including, but not limited to, Vogue, Forbes, The Daily Mail, Newsweek, The Huffington Post, The Observer, and Los Angeles Magazine.

The disputed domain name is identical to Complainant's Fat Sal's Marks and nearly identical to Complainant's domain name <fatsalsdeli.com>. The disputed domain name is identical and confusingly similar to Complainant's registered trademarks because the disputed domain name incorporates Complainant's FAT SAL'S trademark in its entirety.

The disputed domain name was registered on February 28, 2016, which is well after the Complainant's first use dates of the Fat Sal's Marks from at least July 1, 2010, Complainant's trademark filing dates of the Fat Sal's Marks on August 27, 2010, and well after Complainant's website was registered and operational in 2010.

Here, the disputed domain name redirects to a cycle of third-party websites including PPC links for competing food delivery services and those that potentially expose the user to malware. When the disputed domain name is accessed through a protected, isolated, or virtual software environment such as Windows Sandbox, the disputed domain name is blocked as unsafe and redirects to a fake spyware alert that potentially exposes the user to malware.

Further, Complainant is not aware of any trademark rights, domain name rights, or other rights that Respondent has relating to the Fat Sal's Marks, nor has Complainant ever authorized Respondent to use its Fat Sal's Marks in connection with any goods or services. Additionally, nothing in Respondent's Whois information or any other publicly available source suggests Respondent is commonly known by the disputed domain name.

Complainant has been using its Fat Sal's Marks since at least as early as 2010, when it first acquired the domain name <fatsalsdeli.com>, many years before the Respondent registered the disputed domain name. Therefore, Complainant has trademark rights in the Fat Sal's Marks.

The disputed domain name was registered on February 28, 2016, which is subsequent to Complainant's common law use rights and/or registration of the Fat Sal's Marks. Upon registering the identical disputed domain name, the Respondent began using the disputed domain name to redirect users to PPC links advertising pages, including third-party websites for competing food delivery goods and services, and/or potential malware for its own commercial gain.

While DNS information of the disputed domain name does not explicitly list websites that it redirects to, it appears the Respondent may somehow be redirecting users based on various factors, including, but not limited to, a user's computer/mobile platform, geographic location, IP address, etc.

Finally, Respondent has engaged in a pattern of bad faith conduct by registering numerous domain names incorporating or reproducing third party trademarks. Dozens of prior UDRP cases demonstrate that Respondent as "Nanci Nette" has repeatedly targeted the well-known trademarks of many other brands in bad faith. See, e.g., *AXA SA v. Nanci Nette, Name Management Group*, WIPO Case No. [D2022-4885](#); *Qustodio Technologies S.L.U. v. Nanci Nette, Name Management Group*, WIPO Case No. [D2022-4851](#); *Air India Limited and Air India Express Limited v. Nanci Nette, Name Management Group*, WIPO Case No. [D2022-5020](#); *Majid Al Futtaim Properties LLC v. Nanci Nette*, WIPO Case No. [D2022-4104](#); *Itron, Inc. v. Super Privacy Service LTD c/o Dynadot / Nanci Nette, Name Management Group*, WIPO Case No. [D2022-1920](#); *Fenix International Limited v. Privacy Services Provided by Withheld for Privacy ehf / Nanci Nette*, WIPO Case No. [D2022-1659](#); *Khadi and Village Industries Commission v. Domains By Proxy, LLC / Nanci Nette*, WIPO Case No. [D2022-1200](#); *Volvo Trademark Holding Aktiebolag v. Nanci Nette*. These and numerous other adverse UDRP decisions against Respondent shows that "Respondents' modus operandi is to hide its true identity through anonymous domain name registration services; register domain names incorporating well-known trademarks of others; trade-off the goodwill of those marks for commercial gain by

redirecting Internet traffic to pay-per-click advertisements or to third-party [sic] websites; and refuse to participate when the rightful trademark owners file Complaints pursuant to the UDRP". *HomeAway.com, Inc. v. Nanci Nette*, WIPO Case No. [D2023-1561](#).

B. Respondent

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

6. Discussion and Findings

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 and 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 use of an apostrophe in the Complainant's trademarks (FAT SAL'S) as compared to the disputed domain name <fatsals.com>, which does not include an apostrophe, is of no consequence.

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.

Nor is there any evidence in the record that indicates that the Respondent has ever been commonly known by the disputed domain name or has ever had any noncommercial legitimate or fair use of 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. Other circumstances may also 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.

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 upon registering the identical disputed domain name, the Respondent began using the disputed domain name to redirect users to PPC links advertising pages, including third-party websites for competing food delivery goods and services, and/or potential malware for its own commercial gain. Furthermore, it appears the Respondent may be redirecting users based on various factors, including, but not limited to, a user's computer/mobile platform, geographic location, IP address, etc.

In addition, Respondent has engaged in a pattern of bad faith conduct by registering numerous domain names incorporating or reproducing third party trademarks. Dozens of prior UDRP cases demonstrate that Respondent as "Nanci Nette" has repeatedly targeted the well-known trademarks of many other brands in bad faith.

The Panel finds 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 <fatsals.com> be transferred to the Complainant.

/R. Eric Gaum/

R. Eric Gaum

Sole Panelist

Date: April 14, 2025