

ADMINISTRATIVE PANEL DECISION

CBOCS Properties, Inc. v. Kas Is
Case No. D2025-1419

1. The Parties

The Complainant is CBOCS Properties, Inc., United States of America (“United States”), represented by Dinsmore & Shohl LLP, United States.

The Respondent is Kas Is, United Kingdom.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 7, 2025. On April 8, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 8, 2025, 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 (DOMAIN ADMINISTRATOR, PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 17, 2025, 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 amended Complaint on April 21, 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 April 24, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 14, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 20, 2025.

The Center appointed Jeremy Speres as the sole panelist in this matter on May 27, 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

The Complainant owns all of the intellectual property used by Cracker Barrel Old Country Store, Inc., which has operated a nationwide chain of restaurants and retail giftshops across the United States under the CRACKER BARREL mark for over 50 years. The Complainant has more than 660 locations in 45 states, and its mark has been recognized as being well known by prior panels under the Policy. See, e.g., *CBOCS Properties, Inc. v. Shilei*, WIPO Case No. [D2022-1190](#).

The Complainant's CRACKER BARREL mark is registered in the United States, including United States Trademark Registration No. 3900702 CRACKER BARREL in class 35, having a registration date of January 4, 2011.

The disputed domain name was registered on August 14, 2019, and currently resolves to a website headed "Cracker Barrel Front Porch - Cracker Barrel Employee ESS Login" that discusses the Complainant's official online employee portals, using the Complainant's logos and screenshots from the Complainant's official website.

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 was registered and has been used in bad faith in order to impersonate the Complainant for the Respondent's commercial gain.

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 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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms, here "employee", may bear on assessment of the second and third elements, the Panel finds the addition of such term in this case does not prevent a finding of confusing

similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8

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.

As discussed further in relation to bad faith below, the general impression created by the website to which the disputed domain name resolves is one of impersonation of the Complainant. UDRP panels have categorically held that the use of a domain name for illegal activity, here impersonation, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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.

Panels have held that the use of a domain name for illegal activity, here impersonation, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Considering the indicators of impersonation apparent on the Respondent’s website highlighted in the Factual Background section above, it is clear that the Respondent intended to impersonate the Complainant. Yes, the Respondent applied a disclaimer which states that the website is not associated with the Complainant, however, this disclaimer is only visible some way down the landing page and users are required to scroll a fair way downwards before it becomes visible. It is also displayed in small sized text and is easy to miss amongst the general clutter of the website.

Per the [WIPO Overview 3.0](#), section 3.7, disclaimers should be “clear and sufficiently prominent”, which this disclaimer is not. Moreover, per the [WIPO Overview 3.0](#) at the same section:

“On the other hand, where the overall circumstances of a case point to the respondent’s bad faith, the mere existence of a disclaimer cannot cure such bad faith. In such cases, panels may consider the respondent’s use of a disclaimer as an admission by the respondent that users may be confused.”

In this case, the overall circumstances point to impersonation, especially considering the Respondent's history under the Policy discussed below. The general impression created by the Respondent's website is that it is an official employee-related presence of the Complainant. It is thus appropriate to find the disclaimer applied in this case as constituting an admission of the likelihood of confusion, and a pretextual attempt at avoiding liability under the Policy or otherwise. The fact that several comments on the Respondent's website show that some users have wrongly believed the Respondent's website to be an official website of the Complainant supports the Panel's findings in this regard.

Two prior panels under the Policy have found the Respondent to have committed cybersquatting, namely the panels in: *Nordstrom, Inc and NIHC, Inc v. Domain Administration, See Privacy Guardian.org / Kas Is*, WIPO Case No. [D2022-1818](#); and *LF, LLC v. Kas Is / cas issen*, Forum Claim No. FA2108001958712. In both of those cases the Respondent was shown to have engaged in very similar conduct as it has exhibited in this case, specifically, impersonating well-known brands by masquerading as their employee portals. The Respondent is a serial cybersquatter and this case appears to be a continuation of that pattern.

The composition of the disputed domain name, consisting of the Complainant's well-known and inherently unique mark plus the term "employee", in and of itself suggests that it relates to an official employee presence of the Complainant, and it is difficult to conceive of any good faith use of the disputed domain name. This, too, points to targeting of the Complainant. [WIPO Overview 3.0](#), at section 3.1.4.

Paragraph 4(b)(iv) of the Policy is thus eminently applicable.

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 <crackerbarremployee.org> be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: June 10, 2025