

ADMINISTRATIVE PANEL DECISION

Fortune Pig SL, Jorge SL v. Scott Herz, Highline Strategic Consulting
Case No. D2025-2106

1. The Parties

The Complainant is Fortune Pig SL, Jorge SL, Spain, represented by Integra, Spain.

The Respondent is Scott Herz, Highline Strategic Consulting, United States of America (“United States”), represented by Creative Law Network, United States.

2. The Domain Name and Registrar

The disputed domain name <fortunepig.com> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 28, 2025. On May 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 29, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 30, 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 June 18, 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 June 19, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 9, 2025. The Response was filed with the Center on July 9, 2025.

The Center appointed Andrew D. S. Lothian as the sole panelist in this matter on July 15, 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 Complainants (referred to as “the Complainant” for convenience in this decision unless the context indicates otherwise) are Fortune Pig SL and Jorge SL, both companies which are part of a Spanish meat group known as Grupo Jorge.

Jorge SL is the owner of the European Union Registered Trademark Number 16858045 for a device mark consisting of a pink silhouette of a pig in profile superimposed by a green four-leaf clover, under which are the words “fortune pig” in a stylized typeface with dividing lines above and below (and with the “pig” element colored pink) with the letters “grupo jorge” in a smaller stylized typeface below the lower dividing line, registered on November 2, 2017, in respect of goods and services in Classes 29, 35, and 39 (broadly speaking, pork meat together with import/export and distribution of same).

The Complainant has recently been successful in the following cases under the Policy:

Fortune Pig SL, Jorge SL v. wadman mark, SPARTAN TRADE, WIPO Case No. [D2024-1630](#) (<fortunepigs.com>), cancellation.

FORTUNE PIG, SL, JORGE, SL v. MBOTA 16, WIPO Case No. [D2024-3068](#) (<fortunepigsl.com>), transfer.

Fortune Pig SL, Jorge, SL v. Egon Hunt, WIPO Case No. [D2024-4361](#) (<fortunepigssl.com>), transfer.

The Complainant also produced decisions appearing to relate to certain domain names registered under the “.es” country code Top-Level Domain. These were not produced in (or accompanied by a translation into) the language of the proceeding, and the Panel therefore did not consider them.

The disputed domain name was registered on January 17, 2007. There is no indication as to whether the Respondent is the original or a subsequent registrant of the disputed domain name. The website associated with the disputed domain name is a static page which features the “Fortune Pig” logo discussed below, together with a “Coming Soon” notice referring to “[...] our delectable Fortune Pig Bakkwa - grilled pork jerky that is meticulously crafted to perfection” and contains a copyright notice dated 2024.

The following evidence provided by the Respondent suggests that the Respondent has been making preparations to operate a business in the United States producing a snack meat product inspired by Asian pork jerky.

On February 3, 2023, the Respondent formed a Texas limited liability company named Fortune Pig, LLC, with a registered office address in Texas, United States. On March 17, 2023, Fortune Pig, LLC received a notification from the Texas Comptroller of Public Accounts stating that it was subject to the franchise tax, and that a franchise tax account had been created based on the information supplied when said company was registered. On May 10, 2023, Fortune Pig, LLC was supplied with an Employer Identification Number by the relevant tax authority, indicating that the Respondent must have made an application therefor on behalf of such company at an earlier date. According to the letter assigning the Employer Identification Number, its purpose is to identify Fortune Pig, LLC, its business accounts, tax returns, and documents, even if it has no employees.

Also on May 10, 2023, Fortune Pig, LLC made an application (Number 97929484) with the United States Patent and Trademark Office (“USPTO”) in respect of a trademark for the word mark FORTUNE PIG in Class 29 (jerky). On May 7, 2024, the USPTO issued a Notice of Allowance indicating that no opposition

was filed to the published application for said mark, and requiring the applicant to file a Statement of Use or request for an extension within six months of the issue date. According to the most recent information on the USPTO's website relating to this application, Fortune Pig, LLC filed a Statement of Use on September 23, 2024, which also noted a claim of first use of the mark on May 30, 2023, and a first use in commerce date of September 15, 2024, and also provided specimen photographs of pork jerky and branded packaging.

In addition to the above documentary evidence, the Respondent produced a sample industry communication presentation containing an overview for contract manufacturers and contract packagers. Inter alia, the presentation states "Fortune Pig markets the highest quality and most tasty Singapore-inspired jerky available in the US [...]," adding, "Fortune Pig, LLC formed Feb 2023 / Well financed by family office/fund / Trademarks filed and branding developed". The branding referred to is a stylized line drawing of the head of a pig (not in profile) in an amber color under which are the capitalized words "FORTUNE PIG™" in a stylized typeface in the same amber color. The presentation outlines bulk ingredients required for the jerky product, cooking/processing requirements, packaging needs, shelf-life testing, shipping and storage capabilities, brand and volume expectations. A separate brand guide sets out a main and secondary version of the pig's head logo, each in light and dark background formats, describes brand attributes, and specifies brand typography.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for the cancellation of the disputed domain name.

Notably, the Complainant contends that its trademark is part of a family of renowned trademarks and that it has been infringed by the disputed domain name, adding that the disputed domain name is fully included in the Complainant's trademark, and that confusion is indisputable based upon the content of the website associated with the disputed domain name. The Complainant states that the person responsible for the disputed domain name may be the same as those persons involved in those previous cases brought by the Complainant under the Policy in respect of other domain names.

The Complainant claims that the Parties' logos are identical in the sense that they each represent a pig. The Complainant asserts that the Parties both promote meat and concludes that the Respondent's interest in the disputed domain name is not legitimate but fraudulent.

The Complainant asserts that the disputed domain name was registered and is being used in bad faith because it is identical to the Complainant's trademark, that the Complainant's logo is used in the related website content, and the Complainant's mark is being used to usurp the Complainant's legal position in the market and to impersonate the Complainant. The Complainant repeats that it has been targeted by a group of related domain name registrants and indicates its belief that these are of Spanish origin.

B. Respondent

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for cancellation of the disputed domain name. The Respondent asserts that it has rights and legitimate interests in the disputed domain name because before it received any notice of this dispute it has used it in connection with a bona fide offering of goods, namely the marketing of Asian inspired pork jerky made to a unique proprietary recipe, and, as a business, has been commonly known by the disputed domain name, adding that it traveled to Asia developing its product and communicated extensively with experts in the United States packaged food industry throughout its product development. The Respondent explains that its product is a dried meat snack while the Complainant's goods are uncooked, frozen cuts of pig, adding that the Respondent operates in the United States market while the Complainant operates in Spain. The Respondent indicates its belief that the Complainant cannot legally market its goods in the United States

because there are restrictions on the importation of pork to that country, adding that the Respondent is the rightful owner of the FORTUNE PIG trademark in the United States and the Complainant has no rights to such trademark in that territory.

The Respondent submits that it has not registered and used the disputed domain name in bad faith because it is using the disputed domain name for legitimate business purposes, and none of the examples of bad faith registration and use in paragraph 4(b) of the Policy are applicable. The Respondent asserts that the Parties are not competitors, do not offer similar products, and are not in related markets. The Respondent adds that it is not interested in attracting or confusing the Complainant's customers or causing confusion as to source, affiliation or endorsement. The Respondent submits that it had never heard of the Complainant before the Complaint was filed, nor represented itself as such, nor operated in the Complainant's territories, nor had seen the Complainant's logos, website or goods, adding that there is no reasonable expectation that someone would confuse the Parties' brand, logos, or marketing, and submitting that the Parties' logos are nothing alike. The Respondent asserts that it has invested its own time, money and resources to develop its own logos and brand guidelines. The Respondent adds that it has never been involved with the other domain names (or their respective registrants) against which the Complainant has taken action.

The Respondent indicates that it has attempted to discuss matters with the Complainant to no avail, adding that the Complainant did not attempt to contact the Respondent before filing the Complaint.

6. Discussion and Findings

6.1 Preliminary Matter: Consolidation of Multiple Complainants

The present Complaint is brought by two related companies within the same corporate structure. The Complainants did not make any specific request to consolidate their respective complaints against the Respondent, although the general tenor of the Complaint indicates that they wish the Panel to allow such consolidation.

In considering whether a complaint filed by multiple complainants may be brought, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.1.

In the present case, the Panel considers that consolidation is both equitable and procedurally efficient, and that the Complainants have a specific common grievance against the Respondent by virtue of their position in the same corporate group. The conduct which is the subject of the Complaint could be considered as affecting each of the Complainants in a similar manner. The Panel therefore orders consolidation of the Complainants' respective Complaints.

6.2 Substantive Issues

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 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 Panel finds the mark is recognizable 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. While the Complainant's mark is figurative in nature, the Panel considers that the design elements are severable from the underlying word elements, such that the latter may be compared to the disputed domain name. [WIPO Overview 3.0](#), section 1.10. The disputed domain name partially reproduces the said word elements, notably the initial two words thereof.

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 Panel therefore turns to the Respondent's case in rebuttal, the nature of which is that it is operating its own legitimate business unrelated to that of the Complainant under the name "Fortune Pig".

Based upon the extensive evidence that the Respondent has submitted, all as set out in the factual background section above, the Panel is satisfied that before any notice to the Respondent of the dispute, it has made demonstrable preparations to use the disputed domain name and a name corresponding to the disputed domain name in connection with a bona fide offering of goods. [WIPO Overview 3.0](#), section 2.2. Crucially, there is no evidence before the Panel that the Complainant has any activity, presence, or reputation in the market in which the Respondent has been active since 2023, nor any other indication that the Respondent might be seeking to benefit unfairly in some way from the Complainant's trademark, goodwill or reputation. Notably, the Parties are engaged in different markets with somewhat different products (albeit both pork-based) and there is no evidence that the reach of the Complainant's mark extends to the United States, where the Respondent is based. The Panel therefore finds that the Respondent has demonstrated its rights to and legitimate interests in the disputed domain name conform to paragraph 4(c)(i) of the Policy.

The Panel declines to consider the Respondent's secondary submission that it has been commonly known by the disputed domain name in terms of paragraph 4(c)(ii) of the Policy for reasons of economy in decision-making.

The Panel finds the second element of the Policy has not 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.

For the reasons outlined in the preceding section, the Panel accepts the Respondent's submission that it did not register and has not used the disputed domain name in bad faith. There is nothing before the Panel that indicates that the Respondent had any involvement in any pattern of cybersquatting that the Complainant may have been engaged in combatting. On the contrary, the evidence suggests that the Respondent's selection of the disputed domain name is something of a coincidence and that, on the balance of probabilities, it was not undertaken in the knowledge of the Complainant's rights and with any intent to target these unfairly. For example, the evidence put forward by the Complainant does not show that the reputation and reach of its trademark is so substantial that the Respondent would have had anything to gain from founding a business in the United States in a similar name as an act of impersonation. Furthermore, there are no circumstances before the Panel suggesting that the disputed domain name has been registered and used in bad faith along the lines of the non-exhaustive examples set out in paragraph 4(b) of the Policy.

The disputed domain name was originally registered in 2007, a decade before the Complainant's trademark was registered. This would potentially provide separate grounds for denying the Complaint on the basis that the Complainant had no trademark rights at the time that the Respondent registered the disputed domain name. [WIPO Overview 3.0](#), section 3.8.1. However, the fact that the Respondent did not commence its business until 2023 might suggest that it acquired the disputed domain name from a previous registrant at a later date and it is unnecessary for the Panel to reach any conclusion on that particular topic.

The evidence in the case file as presented does not indicate that the Respondent's aim in registering the disputed domain name was to profit from or exploit the Complainant's trademark.

The Panel finds the third element of the Policy has not been established.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Andrew D. S. Lothian/

Andrew D. S. Lothian

Sole Panelist

Date: July 23, 2025