

ADMINISTRATIVE PANEL DECISION

Fet-Fisk Ltd v. Name Redacted
Case No. D2025-4239

1. The Parties

The Complainant is Fet-Fisk Ltd, United States of America, represented by Trellis Legal, LLC, United States of America.

The Respondent is Name Redacted.¹

2. The Domain Name and Registrar

The disputed domain name <fetfisk.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 October 15, 2025. On October 16, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 16, 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 (Unknown/Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 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 October 20, 2025.

¹ In light of the potential identity theft, the Panel has redacted the Respondent’s name of the disputed domain name from this decision. However, the Panel has attached as Annex 1 to this Decision an instruction to the Registrar regarding transfer/cancellation of this disputed domain name, which includes the name of the Respondent. The Panel has authorized the Center to transmit Annex 1 to the Registrar as part of the order in this proceeding and has indicated that Annex 1 to this Decision shall not be published due to the exceptional circumstances of this case. See *Banco Bradesco S.A. v. FAST 12785241 Attn. Bradescourgente.net / Name Redacted*, WIPO Case No. [D2009-1788](#).

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 October 22, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 11, 2025. The Center received an email communication from a third party on October 27, 2025, regarding a potential identity theft. The Respondent did not submit any formal response. Accordingly, the Center notified the Respondent’s default on November 12, 2025.

The Center appointed Phillip V. Marano as the sole panelist in this matter on November 19, 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 initially operated pop-up dinners and eventually opened its own restaurant based in Pittsburgh, Pennsylvania, United States of America. The Complainant has offered Nordic-inspired cuisine in connection with its FET-FISK trademark since 2019. The Complainant provides information about its restaurant through its official <fetfisk.net> domain name and associated website.

The Respondent registered the disputed domain name on October 13, 2024. At the time of this Complaint, the disputed domain name resolved to a website titled “FET FISK”, that contains apparent political content which states, “Make America Great Again!”, “Mass Deportation Now! We are calling for all illegal immigrants to be deported immediately; We Support Immediate Mass Deportation”, and “Thank God for President Trump!”

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 asserts ownership of common law rights to the FET-FISK trademark dating back to the Complainant’s first use in 2019. To support its assertion of unregistered, common law trademark rights, the Complainant proffered argumentation and evidence of: (i) six years of continuous use of the FET-FISK trademark; (ii) recognition of the Complainant as a James Beard Award Semifinalist for best chef in the mid-Atlantic region in 2023; (iii) recognition as a best restaurant by notable publications, such as *Eater* and the *New York Times* in 2024, and by *Bon Appetit* and *Pittsburgh Magazine* in 2025; and (iv) recognition as a James Beard Award *Finalist* for best new restaurant in 2025. According to the Complainant, it “has amassed notable consumer recognition, becoming a coveted dining experience among food enthusiasts and casual diners alike”.

The disputed domain name is confusingly similar to the Complainant’s FET-FISK trademark, according to the Complainant, because it “merely omits the hyphen” and is an “obvious imitation of the Complainant’s mark”.

The Complainant further asserts that the Respondent lacks any rights or legitimate interests in the disputed domain name, and has registered and used the disputed domain name in bad faith based on: the lack of any relationship with the Complainant; the lack of any license, permission, or authorization from the Complainant; the lack of any evidence that the Respondent (who concealed its identity through a privacy service) is known by the disputed domain name; the lack of any evidence the Respondent holds any trademark rights in the disputed domain name; and the Respondent's use of the disputed domain name in connection with website content that "promotes inflammatory political ideologies" that is unrelated to the FET-FISK mark, and "essentially functions as a parked page for which the Respondent passively holds registration" while the Respondent "attempt[s] to sell the disputed domain name to the Complainant". According to text message screenshots proffered by the Complainant, the Respondent, or an individual working in concert with the Respondent, has claimed to have "full control over the cost of the domain" and warned that: (i) the Complainant was "making an extremely detrimental mistake by not purchasing" the disputed domain name; (ii) "it's to protect your brand's reputation and integrity [...] [f]or example you don't want thousands of political emails being sent from '[...]'@fetfisk.com' potentially ruining your brands reputation [...] because someone didn't buy your website properly when you guys opened"; and (iii) "[a] restaurant owner from Pittsburgh Pennsylvania is asking to purchase the domain [...] [and i]t doesn't look like they're apart of fetfisk". The Respondent, or an individual acting in concert with the Respondent, also sent text messages to the Complainant offering to sell the disputed domain name to the Complainant for USD 575 until 10 pm, after which the price would increase to USD 9,999.

B. Respondent

The Respondent did not submit any formal reply to the Complainant's contentions. However, on October 27, 2025, a third party contacted the Center via email and wrote, "[...] I am emailing you to inform you that I received a complaint in the mail regarding something I know nothing about [...] I never used any website or emails in this complaint form. However, I do recognize an email that is attached to my name on this form [...] and that said email is an old friend of mine that I'm assuming is using my information without my knowledge".

6. Discussion and Findings

To succeed in its Complaint, the Complainant must establish in accordance with paragraph 4(a) of the Policy:

- i. the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights;
- 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.

Although the Respondent did not reply to the Complainant's contentions, the burden remains with the Complainant to establish by a balance of probabilities, or a preponderance of the evidence, all three elements of paragraph 4(a) of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.3 ("A respondent's default would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true [...] [UDRP] panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case e.g., where a particular conclusion is prima facie obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent."); *The Vanguard Group, Inc. v. Lorna Kang*, WIPO Case No. [D2002-1064](#) ("The Respondent's default does not automatically result in a decision in favor of the complainant. The Complainant must still prove each of the three elements required by Policy paragraph 4(a)").

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.

To establish unregistered or common law trademark rights for purposes of the Policy, the Complainant must show that its mark has become a distinctive identifier which consumers associate with the Complainant's goods and/or services. Specific evidence demonstrating such acquired distinctiveness is required, rather than mere conclusory assertions of common law trademark ownership. Such evidence includes: (i) the duration and nature of use of the mark; (ii) the amount of sales under the mark; (iii) the nature and extent of advertising using the mark; (iv) the degree of actual consumer, public and media recognition; and (v) consumer surveys. In addition, the fact that a respondent has clearly targeted a complainant and their trademark can also support a finding of acquired distinctiveness and common law trademark rights for purposes of the Policy. [WIPO Overview 3.0](#), Section 1.3. See e.g. *Roper Industries, Inc. v. VistaPrint Technologies Ltd.*, WIPO Case No. [D2014-1828](#) (Accepting unregistered trademarks for the purpose of the Policy where inter alia "[t]he disputed domain name is a close typo-variant of the Complainant's trademark", was "used as the return email address in fraudulent correspondence sent to the Complainant, seeking to dupe the Complainant into sending money to a stated bank account", and "[t]he Respondent failed to respond to the Complainant").

Here, the Complainant has offered argumentation and evidence (as detailed above in the factual background and the Complainant's contentions) asserting that the Complainant has: (i) used the FET-FISK trademark continuously for the last six years; and (ii) garnered considerable unsolicited media attention and accolades in national and restaurant industry publications. In addition, the Panel takes notice that the entire first page of Google search engine results for "Fet-Fisk" are all related to the Complainant. The Complainant has not submitted any information with respect to its amount of sales under the mark, the extent of advertising using the mark, the degree of actual consumer recognition, or any consumer surveys. Although the evidence on the record may be insufficient by itself to establish common law trademark rights, the Panel places significant weight on the evidence submitted by the Complainant that the Respondent, or an individual working in concert with the Respondent, has specifically targeted the Complainant and the Complainant's FET-FISK trademark in a scheme (as discussed in greater detail above and below) to motivate the Complainant to purchase the disputed domain name based on its threatened misuse. Therefore, the Panel finds that the Complainant's rights in the FET-FISK trademark have been sufficiently established for purposes of the first element of the Policy.

The only remaining question under the first element of the Policy is whether the disputed domain name is identical or confusingly similar to the Complainant's FET-FISK trademark. In this case, the disputed domain name is confusingly similar to the Complainant's FET-FISK trademark because, disregarding the ".com" generic Top-Level Domain ("gTLD"), the entirety of the mark is reproduced within the disputed domain name. [WIPO Overview 3.0](#), section 1.7. ("This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the domain name [...] In cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar [...]"). gTLDs, such as ".com" in the disputed domain name, are generally viewed as a standard registration requirement and are disregarded under the first element. [WIPO Overview 3.0](#), section 1.11. And, it is well established that neither the mere addition or removal of a hyphen is sufficient to dispel confusing similarity. See *Chernow Comm'ns, Inc. v. Kimball*, WIPO Case No. [D2000-0119](#) (holding "that the use or absence of punctuation marks, such as hyphens, does not alter the fact that a name is identical to a mark").

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 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. Where, as in this case, the Respondent fails to come forward with any relevant evidence, the Complainant is deemed to have satisfied the second element of the Policy. [WIPO Overview 3.0](#), section 2.1.

Specifically, the Panel finds that the Respondent’s political website content, which is currently associated with the disputed domain name, is merely pretextual in nature and solely intended to obfuscate the Respondent’s primary purpose, namely to threaten misuse of the disputed domain name sufficient to frighten the Complainant into purchasing it for a premium amount likely to be in excess of the Respondent’s out-of-pocket costs.

It is evident that the Respondent, who has clearly engaged in identity theft in order to mask their own identity, is not commonly known by the disputed domain name or the Complainant’s FET-FISK trademark. And, although the term “fet-fisk” appears to translate from Swedish to English as “fat fish”, referring to oily or rich fish, it is clear that the Respondent’s political website content has nothing to do with that descriptive use of the term.

Therefore, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy proscribes the following non-exhaustive circumstances as evidence of bad faith registration and use of the disputed domain name:

- i. Circumstances indicating that the Respondent has registered or the Respondent has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to the Complainant who is the owner of the trademark or to a competitor of the Complainant, for valuable consideration in excess of the Respondent’s documented out of pocket costs directly related to the disputed domain name; or
- ii. the Respondent has registered the disputed domain name in order to prevent the owner of the trademark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or
- iii. the Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or

iv. by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location.

Registration of the disputed domain name with intent to profit by exploiting the Complainant's trademark and trying to sell that disputed domain name constitutes axiomatic bad faith registration and use under paragraph 4(b)(i) of the Policy. As in this case, bad faith is evident where the Respondent clearly has knowledge of the Complainant's trademark, the Respondent's intention to target the Complainant's trademark (based on the Respondent's threats and observation that "someone didn't buy your website properly when you guys opened"), the trademark at issue is distinctive and well predates registration of the disputed domain name, the website content associated with the disputed domain name is so clearly a pretextual attempt to obfuscate the Respondent's bad faith attempts to sell the disputed domain name by threatening the Complainant with its misuse in connection with controversial political website content or mass email campaigns.

[WIPO Overview 3.0](#), section 3.1.1. Specifically, the Respondent, or an individual working in concert with the Respondent, made a limited time offer to sell the disputed domain name to the Complainant for USD 575 until 10 pm, after which the price would increase to USD 9,999. This is likely to be in excess of apparent registration costs and it falls well within paragraph 4(b)(i) of the Policy. The Respondent's offer at this price, and the Respondent's actual and threatened uses of the disputed domain name, are all clear evidence of the Respondent's opportunistic bad faith intention to acquire and sell the disputed domain name, which is nearly identical to Complainant's FET-FISK trademark.

Moreover, where it appears that a respondent employs a proxy service, or purposefully selects a Registrar that applies proxy services by default, merely to avoid being notified of a UDRP proceeding filed against it, UDRP panels tend to find that this supports an inference of bad faith. [WIPO Overview 3.0](#), section 3.6. Use of a proxy registration service to shield a respondent's identity and elude or frustrate enforcement efforts by a legitimate complainant demonstrates bad faith use and registration of a disputed domain name. See *Fifth Third Bancorp v. Secure Whois Information Service*, WIPO Case No. [D2006-0696](#) (the use of a proxy registration service to avoid disclosing the identity of the real party in interest is also consistent with an inference of bad faith when combined with other evidence of evasive, illegal, or irresponsible conduct). Further to that same end, the Respondent also evidently registered the disputed domain name using the identity of another party who has no actual connection to the disputed domain name. The use of false registration data in connection with the disputed domain name (and in this case, broader identity theft used to perpetrate fraud) further supports a finding of bad faith registration and use. See, e.g., *Action Instruments, Inc v. Technology Associates*, WIPO Case No. [D2003-0024](#).

The Panel finds the third element of the Policy has been established.

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 <fetfisk.com> be transferred to the Complainant.

/Phillip V. Marano/

Phillip V. Marano

Sole Panelist

Date: December 8, 2025