

ADMINISTRATIVE PANEL DECISION

Zao Stores, LLC v. Registration Private
Case No. D2025-4424

1. The Parties

The Complainant is Zao Stores, LLC, United States of America (“United States”), represented internally.

The Respondent is Registration Private, United States.

2. The Domain Name and Registrar

The disputed domain name <zaoasiangrill.com> is registered with Dynadot LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 26, 2025. On October 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 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 (Unknown Respondent) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 29, 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 30, 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 November 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 26, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Parties of the Respondent’s default on December 9, 2025.

The Center appointed Ingrīda Kariņa-Bērziņa as the sole panelist in this matter on December 16, 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 is a Utah-based company operating “Zao Asian Café” fast-casual restaurants that have been rebranded as “Zao Asian Grill” at all new locations beginning October 2025.

The Complainant asserts unregistered trademark rights in the mark ZAO ASIAN GRILL based on the following. In 2025, the Complainant has opened several restaurant locations under the name ZAO ASIAN GRILL, which are accordingly marked with physical signs and identified in online maps. The Complainant provides evidence of revenue generated at these restaurants.

In an email dated July 3, 2024, internal communications between a Complainant employee and its trademark counsel confirm intent to trademark the name ZAO ASIAN GRILL. On February 10, 2025, the Complainant filed United States Trademark application with serial no. 99036030 for ZAO ASIAN GRILL (word mark) for services in class 43. It has registered several domain names with variations of this mark, including <zaoasiancafe.com>, <zaogrill.com> and <zaomodernasiangrill.com>.

Moreover, the Complainant is the proprietor of United States Trademark Registration No. 5020126 for ZAO ASIAN CAFE (word mark), registered on August 16, 2016 for services in class 43.

The disputed domain name was registered on February 11, 2025. At the time of the Complaint and of this Decision, it did not resolve to an active website, but was available for sale on a third-party website for USD 38,889.

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 is identical to its ZAO ASIAN GRILL mark, which it is actively using in connection with fast-casual restaurants. The Respondent is not connected to the Complainant and has no rights in this mark. The disputed domain name was registered one day after the Complainant filed its Untied States Trademark application. Its only use is to redirect to a website on which it is being offered for sale for a sum considerably exceeding the cost of registration, which is the sole reason for its registration.

The Complainant requests transfer of the disputed domain name.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the UDRP requires the Complainant to make out all three of the following:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the Respondent has registered and is using the disputed domain name in bad faith.

Under paragraph 15(a) of the Rules, “[a] Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable”.

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 Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.3. The Panel finds that the Complainant establishes that the ZAO ASIAN GRILL mark demonstrates source-identifying capacity through its use in commerce as a designation of source. The record contains evidence that the mark was in use at the time of the Complaint and that the Complainant has promoted this mark.

The entirety of the ZAO ASIAN GRILL mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to this mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. Moreover, the Panel finds that the Complainant's registered ZAO ASIAN CAFE mark is recognizable in the disputed domain name.

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.

The Panel notes the composition of the disputed domain name, which is identical to the Complainant's ZAO ASIAN GRILL mark and confusingly similar to its ZAO ASIAN CAFE mark. Such a composition carries a risk of implied affiliation with the Complainant, which is inconsistent with a finding that the Respondent has rights or legitimate interests in the disputed domain name. See [WIPO Overview 3.0](#), section 2.5.1.

The Panel further notes that there is no evidence that the Respondent is using the disputed domain name in a way that could provide a basis for finding that the Respondent currently has rights or legitimate interests in it, such as those set forth in the [WIPO Overview 3.0](#), sections 2.2 and 2.3. Rather, the disputed domain name is not being used at all, but is being offered for sale for USD 38,889.

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.

In the present case, the Panel finds circumstances indicating that the Respondent has registered or acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the Complainant who is the owner of the trademark or service mark 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. The Panel finds that the asking price of USD 38,889 clearly exceeds the costs of registering the disputed domain name.

According to UDRP practice, where a domain name has been registered before a complainant has acquired trademark rights, only in exceptional cases would a complainant be able to prove a respondent's bad faith. [WIPO Overview 3.0](#), section 3.8.2. To establish unregistered or common law trademark rights for purposes of the UDRP, a complainant must show that its mark has become a distinctive identifier which consumers associate with the complainant's goods and/or services. [WIPO Overview 3.0](#), section 1.3. It appears that the Complainant's ZAO ASIAN GRILL mark was not yet in use on February 11, 2025, the date of registration of the disputed domain name.

However, the Panel finds that the disputed domain name is confusingly similar to ZAO ASIAN CAFE, a mark in which the Complainant had established rights for almost a decade preceding the registration of the disputed domain name. More importantly, the evidence indicates that, at the time that the disputed domain name was registered, the Complainant was preparing to re-brand its restaurants as ZAO ASIAN GRILL. To that end, the Complainant had filed a United States Trademark application for ZAO ASIAN GRILL on February 10, 2025, and the Respondent registered the disputed domain name on the following day. Under these circumstances, the Panel finds that the registration of the disputed domain name reflects a deliberate targeting of the Complainant and its mark. [WIPO Overview 3.0](#), section 1.3.

The disputed domain name redirected to a website on which it was offered for sale for USD 38,889. The Panel finds that this conduct falls within paragraph 4(b) of the Policy, as it indicates the Respondent has registered or has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration, for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the disputed domain name.

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 <zaoasiangrill.com> be transferred to the Complainant.

*/Ingrīda Kariņa-Bērziņa/
Ingrīda Kariņa-Bērziņa*
Sole Panelist
Date: December 30, 2025