

## **ADMINISTRATIVE PANEL DECISION**

Raising Cane's USA, LLC v. Muhammad Asad Khan  
Case No. D2026-0025

### **1. The Parties**

The Complainant is Raising Cane's USA, LLC, United States of America ("United States"), represented by Kelley Drye & Warren, LLP, United States.

The Respondent is Muhammad Asad Khan, Pakistan.

### **2. The Domain Name and Registrar**

The disputed domain name <raisingcanesmenu.com> is registered with Spaceship, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on January 6, 2026. On January 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 7, 2026, 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 (Muhammad Atique / Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 7, 2026, providing the registrant and contact information disclosed by the Registrar, and requesting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on January 9, 2026.

The Center verified that the Complaint together with the amendment to the 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 January 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 1, 2026. A third party sent an email communication to the Center on January 7, 2026, stating that it owns the disputed domain name. The Respondent sent an email communication to the Center on January 9, 2026, stating that the disputed domain name was transferred to it by another party and that it had no involvement in creating, hosting, or benefiting from the website the

disputed domain name resolved to. The Center notified the Parties of the commencement of panel appointment process on February 2, 2026.

The Center appointed Pablo A. Palazzi as the sole panelist in this matter on February 4, 2026. 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 company dedicated to the service restaurant industry in the United States and throughout the world, with more than 900 locations operating in 42 states and five countries. The Complainant offers quick service restaurant services, including offering food and beverage products, clothing items, and pet products. Since at least as early as 1996, the Complainant has used the trademark RAISING CANE'S in connection with the promotion and sale of Complainant's goods and services.

The Complainant is the owner of the trademark RAISING CANE'S which is the subject of trademark registrations around the world, including the U.S. trademark registrations for RAISING CANE'S (Reg. Nos. 3,272,782, 3,583,353, and 5,821,934), and European Union Trade Mark registrations.

The disputed domain name was registered on May 12, 2025. The disputed domain name is currently not active.

At the time of filing the Complaint, the disputed domain name had resolved to a website that purported to offer services same or similar to that offered by the Complainant. The website to which the disputed domain name resolved included the Complainant's trademark, Raising Cane's menu items and photos, and a portion of the information relating to the Complainant's Raising Cane's menus and pricing. According to the Complaint, the Respondent also used the disputed domain name to display links which divert Internet users to other third-party websites that are not associated with the Complainant, including via the Google AdSense program.

#### **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.

##### **B. Respondent**

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

On January 7, 2026, an email from a third party was sent to the Center stating: "Sorry I am owner of this domain".

On January 9, 2026, before the proceedings formally commenced, an email by the Respondent was sent to the Center stating: "Dear Sir/Madam,

I am writing to formally clarify my position regarding the domain raisingcanesmenus.com, which was transferred to my Spaceship account a couple of months ago by another party.

At the time of transfer, I had no knowledge of the website's content and never visited, managed, or operated the website in any capacity. I was completely unaware that the site contained any copyrighted or infringing material.

I was informed of this issue only after receiving the recent email notice. Immediately upon learning

about the matter, I contacted the individual who was running the website and requested the prompt removal of all related content. The content has since been removed, the domain has been seized, and I have also contacted my domain registrar to cancel the domain as soon as possible.

I would like to emphasize that I had no involvement in creating, uploading, hosting, or benefiting from the content in question. Upon becoming aware of the issue, I acted promptly and in good faith to resolve it. In light of the above, I respectfully request that I be kept separate from this matter and that no further action be associated with me regarding this issue.

Thank you for your understanding.

Sincerely, [...]"

## **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 the term "menus" may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

Panels have held that the use of a domain name for illegal activity, here, claimed impersonation/passing off, or other types of fraud, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

Furthermore, the composition of the disputed domain name, comprising the Complainant's trademark in its entirety with the addition of the term "menus" (related to the Complainant services), along with the content of the associated website, carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

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.

The Panel considers that the record of this case reflects that:

- the disputed domain name contained the Complainant's mark in its entirety and resolved to a website using the images of the Complainant's products and trademark, as well as its menus and outdated prices, with no disclaimer pointing out the lack of relationship with the Complainant.

Considering the above, the Panel finds that the Respondent has intentionally attempted to attract, for commercial gain, Internet users to its websites or other on-line locations, 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 locations or of a product or service on the Respondent's websites or locations. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain names constitutes bad faith under the Policy.

The current non-use of the disputed domain names does not change the Panel's finding on the Respondent's 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 <raisingcanesmenus.com> be transferred to the Complainant.

*/Pablo A. Palazzi/*

**Pablo A. Palazzi**

Sole Panelist

Date: February 13, 2026.