

ADMINISTRATIVE PANEL DECISION

Raising Cane's USA, LLC v. Mary Paul
Case No. D2026-0026

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 Mary Paul, United States.

2. The Domain Name and Registrar

The disputed domain name <holaraisingcanesgear.shop> 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 (Registration Private) 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 inviting 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 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was January 29, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Parties of the Respondent's default on February 2, 2026.

The Center appointed Ingrīda Kariņa-Bērziņa 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, headquartered in Texas, United States, operates quick service restaurants in the United States and in several other countries. It is the proprietor of numerous trademark registrations, including the following:

- United States Trademark Registration No. 3272782 for RAISING CANE'S (word mark), registered on July 31, 2007 for goods in classes 29, 30 and 32;
- United States Trademark Registration No. 3583353 for RAISING CANE'S (word mark), registered on March 3, 2009 for services in class 43;
- United States Trademark Registration No. 5821934 for RAISING CANE'S (word mark), registered on July 30, 2019 for goods in class 25.

The Complainant sells branded merchandise at its website at the domain name <raisingcanesgear.com>.

The disputed domain name was registered on July 18, 2025. At the time of the Complaint and of this Decision, it resolved to a website displaying the Complainant's mark and purporting to sell merchandise featuring the RAISING CANE'S mark.

The record contains evidence that, on July 28, 2025, the Complainant presented a Notification of Infringement to the hosting provider, to which it did not receive a response despite reminders.

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 operates more than 900 restaurants in the United States and five other countries. The Complainant has offered quick service restaurant services, clothing items, and pet products under its RAISING CANE'S mark since 1996, and operates a website at the domain name <raisingcanesgear.com> at which it sells branded merchandise. As a result of long-standing use and extensive promotion, the RAISING CANE's mark has become well-known around the world. The disputed domain name contains the entirety of Complainant's mark except for the addition of the descriptive terms "hola" and "gear", which do not distinguish it and render it confusingly similar to the Complainant's domain name. The Respondent's website featuring proprietary images of products copied from the Complainant's website and the Complainant's marks. The goods being offered for sale by the Respondent appear to be counterfeit or unauthorized by the Complainant.

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;
- (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 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, “hola” and “gear”) may bear on assessment of the second and third elements, the Panel finds the addition of such terms 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.

The Panel notes the composition of the disputed domain name, which comprises the Complainant’s RAISING CANE’S mark preceded with the descriptive term “hola” and followed by the term “gear”, which does not distinguish the mark. The record indicates that the disputed domain name used to resolve to a webpage purporting to offer the Complainant’s merchandise for sale. Together with the use to which it has been put, the Panel finds that the nature of the disputed domain name carries a risk of implied affiliation to the Complainant’s business that cannot constitute fair use. [WIPO Overview 3.0](#), section 2.5.1.

The record indicates that the disputed domain name resolved to a website displaying the Complainant’s mark and logo, along with images copied from the Complainant’s website. Panels have held that the use of a domain name for illegitimate activity (here, claimed impersonation/passing off, sale of counterfeit goods, or other types of fraud) 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.

In the present case, the Panel notes that the Respondent intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark. The Complainant established rights in its RAISING CANE'S mark more than 15 years prior to the registration of the disputed domain name, which reflects the mark in its entirety, preceded with the descriptive term "hola" and followed by the term "gear." This composition is nearly identical with the domain name used by the Complainant for its own product website, namely, <raisingcanesgear.com>. On this record, the Panel finds that the disputed domain name was registered in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

The record indicates that the Respondent's website displays the Complainant's marks and images of the Complainant's products. These images have been copied from the Complainant's website. Panels have held that the use of a domain name for illegitimate activity (here, claimed, impersonation/passing off, sale of counterfeit goods, or other types of fraud) constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

The Respondent has not attempted to provide a good-faith explanation for such conduct and the Panel does not find it likely that one could exist. On this record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy.

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 <holaraisingcanesgear.shop> be transferred to the Complainant.

/Ingrīda Kariņa-Bērziņa/

Ingrīda Kariņa-Bērziņa

Sole Panelist

Date: February 11, 2026