

ADMINISTRATIVE PANEL DECISION

Dave's Hot Chicken Franchise Co., LLC v. Sara
Case No. D2026-1899

1. The Parties

The Complainant is Dave's Hot Chicken Franchise Co., LLC, United States of America ("United States"), represented by Greenberg Traurig, LLP, United States.

The Respondent is Sara, United States.

2. The Domain Name and Registrar

The disputed domain name <daveshotchicken.top> is registered with PDR Ltd. d/b/a PublicDomainRegistry.com (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 1, 2026. On May 4, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 5, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 May 6, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 26, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 27, 2026.

The Center appointed William F. Hamilton as the sole panelist in this matter on June 2, 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 the franchisor of a chain of hot chicken restaurants operating under the name Dave's Hot Chicken in the United States and abroad and owns numerous international trademark registrations.

The Complainant is the owner of United States trademark registrations for the trademark DAVE'S HOT CHICKEN (the "Mark"), including United States Registration No. 5,561,164, DAVE'S HOT CHICKEN (standard characters), registered on September 11, 2018; and United States Registration No. 6,721,972, a design mark incorporating the words DAVE'S HOT CHICKEN, registered on May 24, 2022. Both registrations cover restaurant services in International Class 43. (Annex 6). The Complainant operates its official website at the domain name <daveshotchicken.com>.

The disputed domain name was registered on September 3, 2025. It resolved to a website that reproduced the Complainant's stylized "DAVE'S" wordmark and the Complainant's website's look and feel, presenting itself as a hot chicken restaurant under the heading "Dave's Famous Chicken". The Respondent's website displayed navigation tabs for "Home", "Menu", "Our Story", "Locations", and "Contact"; a menu of chicken items with prices; an "Our Story" page setting out a fabricated account of the business's founding; and an order and checkout function soliciting visitors' names, email addresses, telephone numbers, and delivery addresses. (Annex 9). The website also displayed a Nashville, Tennessee street address and a telephone number that the Complainant's evidence indicates are false. (Annexes 9 to 11). The disputed domain name does not presently resolve to an active website.

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.

The Complainant contends that the disputed domain name is identical or confusingly similar to the Mark, which it incorporates in its entirety, the only difference being the addition of the generic Top-Level Domain ("gTLD") ".top".

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant states that it has not authorized, licensed, or otherwise permitted the Respondent to use the Mark or to register the disputed domain name, that the Respondent is not commonly known by the disputed domain name, and that the Respondent is not making a bona fide offering of goods or services or a legitimate noncommercial or fair use, but is instead using the disputed domain name to impersonate the Complainant and to defraud and divert the Complainant's customers.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. The Complainant submits that the Respondent registered the disputed domain name with knowledge of the Mark and used it to host a website passing itself off as the Complainant to attract Internet users for commercial gain by creating a likelihood of confusion with the Mark as to the source, sponsorship, affiliation, or endorsement of the website. The Complainant further submits that the Respondent provided false contact information in registering the disputed domain name and displayed false contact information on the website.

B. Respondent

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

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 Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of the Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The disputed domain name reproduces the Mark in its entirety, the omission of the spaces and the apostrophe being attributable to the technical requirements of the domain name system. The gTLD ".top" is disregarded as a standard registration requirement. [WIPO Overview 3.1](#), section 1.11. Accordingly, the disputed domain name is identical or confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

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 that 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 3.1](#), 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 Respondent used the disputed domain name to operate a website that reproduced the Complainant's stylized mark and the look and feel of the Complainant's website, presented itself as the Complainant's business, and solicited personal information from Internet users through a purported ordering function. Panels have held that the use of a domain name for such illegitimate activity, here impersonation and passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), 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.

The disputed domain name is identical or confusingly similar to the Mark and was registered years after the Complainant established and registered its rights in the Mark. The Respondent used the disputed domain name to operate a website that reproduced the Complainant's stylized mark and the Complainant's website's look and feel and presented itself as the Complainant's business. In these circumstances, the Respondent registered the disputed domain name with knowledge of, and to target, the Complainant and the Mark. [WIPO Overview 3.1](#), section 3.2.1.

By using the disputed domain name in this manner, the Respondent intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Mark as to the source, sponsorship, affiliation, or endorsement of the website, within the meaning of paragraph 4(b)(iv) of the Policy.

The Respondent's bad faith is reinforced by the false contact details displayed on the website and by the inaccurate contact information, including a non-operational telephone number, provided in registering the disputed domain name. (Annexes 4 and 9 to 11).

Panels have held that using a domain name to impersonate a complainant and pass off as a complainant constitutes bad faith. [WIPO Overview 3.1](#), section 3.4. Having reviewed the record, the Panel finds that the Respondent registered and is using the disputed domain name in 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 <daveshotchicken.top> be transferred to the Complainant.

/William F. Hamilton/

William F. Hamilton

Sole Panelist

Date: June 7, 2026