ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Deli Management, Inc. v. Registration Private, Perfect Privacy LLC
Case No. D2026-2686

1. The Parties

The Complainant is Deli Management, Inc., United States of America ("United States" or "US"), represented by Faegre Drinker Biddle & Reath LLP, United States.

The Respondent is Registration Private, Perfect Privacy LLC, Saint Kitts and Nevis.

2. The Domain Name and Registrar

The disputed domain name <jasansbeli.com> is registered with Fewmoretaps OU d/b/a Trustname.com. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 19, 2026. On June 19, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 22, 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 June 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 13, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 14,2026.

The Center appointed Clive Duncan Thorne as the sole panelist in this matter on July 14, 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 owns a restaurant chain in the United States and has traded since 1976. It began with a single location, trading under the mark JASON'S DELI. From that single location it has expanded steadily. In 1988 it launched a franchise program with its first franchised location in Tucson, Arizona. It has now grown to approximately 239 restaurants in 27 US States with a concentrated market presence throughout Texas, the Southeast and the Midwest US.

This is evidenced by Annex 3 to the Complaint as is the fact that in 2005 the Complainant became the first US restaurant chain to eliminate trans fats from its menu. This attracted significant media attention from outlets including Washington Post and Nation's Restaurant News and cemented the brand's reputation as a pioneer in health-conscious fast-casual dining.

The commercial strength and reputation of the brand are further evidenced by the Complainant's digital and commercial presence including a consumer loyalty program, mobile ordering application and third-party delivery partnerships as shown by Annex 4 to the Complaint.

As of 2024 the Complainant's global sales were approximately USD 667 million ranking it among the 200 largest franchise systems in the United States. This is evidenced by Annex 5 to the Complaint.

The Complainant owns rights in the trade marks: JASON'S DELI, JASON'S DELI (and design), JASON'S, JASON'S (and design), and DELI COWBOY. It owns registrations for those marks in the United States, European Union, Mexico, and the United Kingdom in connection with its restaurant services. Copies of the relevant certificates of trade mark registration are exhibited at Annexes 6 and 10 to the Complaint and include:

United States trade mark: JASON'S, No. 1,352,239 registered on July 30, 1985 in International Class 42 for "restaurant and delicatessen services".

European Union Trade Mark: JASON'S DELI, No. 006353817 registered on September 3, 2008 in International Classes 29, 30, 43, including in International Class 43 in respect of "restaurant and catering services; delicatessens (restaurants) […]".

United Kingdom trade mark: JASON'S DELI, No. UK00906353817 registered on September 3, 2008 in International Classes 29, 30 and 43, including in International Class 43 in respect of "restaurant and catering services; delicatessens (restaurants) […]".

A copy of the US certificate of trade mark registration for DELI COWBOY is also exhibited at Annex 10 to the Complaint. This US trade mark No. 2,094,872 was registered on September 9, 1997 in International Class 30 for "Beef brisket sandwich for consumption on or off the premises".

The Complainant also exhibits in Annex 6 a Declaration signed by its CEO and Treasurer confirming that its use of its marks dates back to at least 1976 and, in particular, the Complainant has used the trade mark JASON'S DELI in the US in connection with restaurant and delicatessen services since 1976. The Complainant's US registered trade mark JASON'S DELI, No. 1,325,158, was subsequently registered on March 12,1985 in International Class 42.

The Complainant provides evidence that it trades online using the marks JASON'S DELI and JASON'S. The Complainant has used the domain name <jasonsdeli.com> since it was first registered in 1995. The domain name is used to advertise and sell the Complainant's JASON'S DELI and JASON'S branded restaurant services and related food products. Screen captures of the WhoIs information for the domain name and printed representative portions of the current website under the domain name <jasonsdeli.com> and as it existed in 1996 are exhibited as Annex 8 to the Complaint.

The Respondent registered the disputed domain name on May 14, 2026 which is after the date of registration of the Complainant's registered trade marks relied upon and of the Complainant's domain name.

The WhoIs exhibited at Annex 1 provides no indication that the Respondent is commonly known by the disputed domain name. The Complainant points out that the Respondent has registered the disputed domain name with a privacy-shielding service.

The Respondent, as is evidenced by Annex 9 to the Complaint, has used the disputed domain name to direct Internet traffic to a lookalike website that prominently displays the Complainant's marks including JASON'S DELI, JASON'S and other proprietary marks owned by the Complainant. The website is offering for sale food products similar to the type sold by the Complainant so that it appears that the Respondent is purporting to sell the Complainant's own food goods and related restaurant services using the Complainant's trade marks. Annex 9 to the Complaint also includes a screen panel purporting to offer for sale the Complainant's DELI COWBOY branded sandwiches.

The Complainant draws attention to the fact that the Respondent's website as exhibited at Annexes 9 and 11 prominently uses the Complainant's own branding and marketing imagery and bears the appearance of a legitimate website of the Complainant. This is because it features the Complainant's menu items and at Annex 11 to the Complaint its real restaurant locations and its delivery and payment options.

Further, as evidenced at Annex 12 to the Complaint the Respondent has set up a Google Ads pay-per-click campaign so as to cause the website associated with the disputed domain name to appear prominently at the top of search engine results when consumers search for the Complainant's JASON'S DELI marks. This is done using the disputed domain name which directs users to "Jason's Deli | Menu / Online Ordering for Jason's Deli".

The Complainant confirms that it has not given the Respondent permission, authorization, consent, or license to use its trade marks JASON'S DELI or JASON'S.

In the absence of a Response and evidence from the Respondent the Panel determines the Complaint on the basis of the evidence adduced by the Complainant and set out above.

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:

i. The disputed domain name is confusingly similar to the registered trade marks JASON'S DELI and JASON'S in which the Complainant has rights.

ii. The Respondent has no rights or legitimate interests in respect of the disputed domain name.

iii. The disputed domain name was registered and is being used by the Respondent in bad faith.

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 trade mark 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 a trade mark or service mark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The Panel finds the marks JASON'S DELI and JASON'S are recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Complainant's marks for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

In considering its finding that the marks JASON'S DELI and JASON'S are recognizable within the disputed domain name the Panel has considered WIPO Overview 3.1, section 1.9 which applies where a misspelling of a complainant's trade mark is confusingly similar to the complainant's mark. Section 1.9 provides that: "a domain name which consists of a variation of a [trade mark] (typically a common, obvious, or intentional misspelling, referred to as typosquatting) is considered by panels to be confusingly similar to the relevant mark for purposes of the first element".

In this case, taking into account the Complainant's evidence, the Panel finds that the misspelling of the Complainant's trade marks JASON'S and JASON'S DELI to "jasans" and "jasansbeli" does not prevent a finding of confusing similarity as the disputed domain name contains sufficiently recognizable aspects of the relevant marks.

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.

Panels have held that the use of a domain name for illegitimate activity here, claimed as applicable to this case: copycat site and passing off, can never confer rights or legitimate interests on a respondent. WIPO Overview 3.1, section 2.13.1.

The Panel takes into account the evidence of the Respondent's website under the disputed domain name set out in Annexes 9 and 11 which in the Panel's view clearly evidences copycat site, and passing off. As submitted by the Complainant they constitute "an affirmative, commercially motivated effort to intercept and divert consumers actively seeking [the] Complainant's goods and services".

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, on the evidence, that the Respondent has engaged in bad faith conduct by intentionally attempting to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's marks JASON'S DELI and JASONS as to the source of the Respondent's website or service within paragraph 4(b)(iv) of the Policy.

The Panel finds that the totality of the evidence adduced by the Complainant demonstrates that the Respondent registered the disputed domain name with actual knowledge of the Complainant's trading activity and of the Complainant's marks JASON'S DELI and JASON'S and with the intention of exploiting the Complainant's trading goodwill in the marks. The fact that the disputed domain name is an intentional misspelling of the Complainant's marks is evidence that the Respondent acted with awareness of and an intent to trade upon the Complainant's trade mark rights.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. WIPO Overview 3.1, section 3.2.1.

Panels have held that the use of a domain name for illegitimate activity, here, claimed as applicable to this case: copycat site and passing off, constitutes bad faith. WIPO Overview 3.1, 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 Complainant's evidence establishes that the Respondent has deployed a copycat website accessed through the disputed domain name which mimics the look, feel, and branding of the Complainant and displays images of the Complainant's own online presence, creating a false impression of affiliation or sponsorship so as to deceive consumers. The Respondent advertises and purports to sell specific branded products of the Complainant including the DELI COWBOY sandwich and displays images of the Complainant's food offerings and restaurant services. This evidence establishes passing off on the part of the Respondent.

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 <jasansbeli.com> be transferred to the Complainant.

/Clive Duncan Thorne /
Clive Duncan Thorne
Sole Panelist
Date: July 14, 2026