

ADMINISTRATIVE PANEL DECISION

Raising Cane's USA, LLC v. Mike Agnon
Case No. D2026-2710

1. The Parties

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

Respondent is Mike Agnon, United States.

2. The Domain Name and Registrar

The disputed domain name <raisnigcanes.com> is registered with NameCheap, Inc. ("Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 22, 2026. On June 23, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 24, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from that in the Complaint (e.g., the Complaint named Registration Private, Privacy service provided by Withheld for Privacy ehf"). The Center sent an email communication to Complainant on June 24, 2026, providing the registrant and contact information disclosed by the Registrar and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on June 24, 2026.

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 Respondent of the Complaint, and the proceedings commenced on July 16, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 5, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on August 9, 2026.

The Center appointed Debra J. Stanek as the sole panelist in this matter on August 12, 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

Complainant operates quick service restaurants in the United States and other countries. It has used the mark RAISING CANE'S for at least 30 years—since 1996. Complainant owns the following trademark registrations for the RAISING CANE's mark, among others:

- United States Registration No. 3,272,782 for various food products, registered July 31, 2007;
- United States Registration No. 3,583,353 for restaurant service, registered March 3, 2009; and
- European Union Registration No. 007172448 for food products and restaurant services, registered June 10, 2009.

Complainant operates its website at “www.raisingcanes.com”.

The disputed domain name was registered on August 21, 2025.

Both at the time the Complaint was filed and at the time of this Decision, it did not resolve to an active website.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

In particular:

- The disputed domain name is an example of typosquatting—an obvious and intentional misspelling of Complainant's mark;
- Respondent is not known by the disputed domain name and has not been authorized by Complainant to use the RAISING CANE'S mark;
- Given the renown of Complainant's mark, Respondent must have known of it when registering the disputed domain name; and
- The fact that Respondent is not using the disputed domain name with an active website does not render his use bona fide or legitimate and does not preclude a finding of bad faith.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

To prevail under the Policy a complainant must prove, as to the domain name at issue, that: (a) it is identical or confusingly similar to a mark in which the complainant has rights, (b) respondent has no rights or legitimate interests in respect to it, and (c) it has been registered and is being used in bad faith. Policy, paragraph 4(a). A respondent's failure to respond does not automatically result in a finding for the complainant; the complainant continues to have the burden of establishing each element. Rules, paragraphs 5(f) and 14(a); see also WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.3. The Panel may, however, draw appropriate inferences from the default. See Rules, paragraph 14(b).

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 Complainant's trademark and the disputed domain name. [WIPO Overview 3.1](#), section 1.7.

Complainant has shown rights in respect of its RAISING CANE'S mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The disputed domain name is not identical to the RAISING CANES mark; however, it differs only in a minor way — by the transposition of the second "i" in "raising" with the adjacent "n." The Panel finds the mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7; see also [WIPO Overview 3.1](#), section 1.9 (common or obvious misspellings of a mark are considered confusingly similar).

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 Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in proceedings under the Policy 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 remains on the complainant). If the respondent fails to come forward with relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

The Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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 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 list in paragraph 4(b) is not exhaustive; 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.

Other panels have found that a respondent's non-use of a domain name does not prevent a finding of bad faith. [WIPO Overview 3.1](#), section 3.3. Under the circumstances presented here, the Panel finds that non-use of the disputed domain name does not prevent a finding of bad faith. In doing so, the Panel takes into account: Complainant's decades of use of its RAISING CANE'S mark, the distinctiveness and renown of the mark, that the disputed domain name consists of an obvious misspelling of that mark, Respondent's failure to submit a response and the absence of any evidence of good faith use (actual or planned). Under these circumstances, the Panel finds that any good faith use of the disputed domain name is implausible.

The Panel finds the third element of the Policy has been established.

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 <raisnigcanes.com> be transferred to Complainant.

/Debra J. Stanek/

Debra J. Stanek

Sole Panelist

Date: August 19, 2026