

ADMINISTRATIVE PANEL DECISION

Raising Cane's USA, LLC v. Edgard Mello
Case No. D2026-2711

1. The Parties

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

The Respondent is Edgard Mello, Ireland.

2. The Domain Name and Registrar

The disputed domain name <raislingcanes.com> is registered with Hostinger Operations, UAB (the "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 23, 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 June 24, 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 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 the Respondent of the Complaint, and the proceedings commenced on July 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 29, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 3, 2026.

The Center appointed Alissia Shchichka as the sole panelist in this matter on August 6, 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 operates a chain of quick service restaurants under the name RAISING CANE'S. According to the Complaint, it operates more than 1,000 restaurant locations across 42 U.S. states and six countries and offers restaurant services, as well as food and beverage products, clothing, and pet products under the RAISING CANE'S trademark.

The Complainant has evidenced to be the registered owner of numerous trademarks worldwide relating to its trademark RAISING CANE'S including, but not limited, to the following:

- United States Trademark Registration No. 3272782, for the word mark RAISING CANE'S, registered on July 31, 2007, in classes 29, 30 and 32;
- United States Trademark Registration No. 3583353, for the word mark RAISING CANE'S, registered on March 3, 2009, in class 43;
- European Union Trade Mark Registration No. 007172448, for the word mark RAISING CANE'S, registered on June 10, 2009, in classes 29, 30, 43; and
- European Union Trade Mark Registration No. 012140431, for the word mark RAISING CANE'S, registered on February 4, 2014, in classes 29, 30, 43.

The Complainant has also provided evidence that it is the owner of the domain name <raisingcanes.com>, which it uses in connection with its official website.

The Complainant's trademarks and domain name were registered prior to the disputed domain name, which was registered on August 20, 2025. The disputed domain name resolves to an inactive webpage.

The Respondent, according to the disclosed WhoIs information for the disputed domain name, is located in Ireland.

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.

In particular, the Complainant submits that the disputed domain name is confusingly similar to its RAISING CANE'S trademark, as it incorporates the trademark in its entirety, differing only by the addition of the letter "l" in the word "raising", resulting in the misspelling "raisling". The Complainant argues that such a minor typographical alteration constitutes a classic case of typosquatting and does not prevent a finding of confusing similarity, since the trademark remains clearly recognizable within the disputed domain name.

The Complainant further contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name for the following reasons: (i) the Respondent is neither affiliated with nor authorized by the Complainant to use its trademark; (ii) the Respondent is not commonly known by the disputed domain name, (iii) the Respondent registered the disputed domain name, which constitutes a typosquatted version of the Complainant's trademark, with the intention of taking unfair advantage of the reputation and goodwill associated with the RAISING CANE'S trademark and creating a false association with the Complainant; and (iv) the Respondent has not used the disputed domain name in connection with a bona

fide offering of goods or services. The Complainant also submits that the disputed domain name currently resolves to an inactive webpage and that such lack of use does not confer any rights or legitimate interests on the Respondent.

Finally, the Complainant asserts that the Respondent registered and is using the disputed domain name in bad faith. In particular the Complainant submits that (i) given the worldwide reputation of the Complainant's trademark and its use significantly predating the registration of the disputed domain name, the Respondent must have been aware of the Complainant and its trademark rights at the time of registration; (ii) the disputed domain name constitutes a deliberate case of typosquatting, intended to take unfair advantage of the Complainant's trademark and to attract Internet users by creating a likelihood of confusion with the Complainant's mark; and (iii) the Complainant further submits that the passive holding of the disputed domain name does not preclude a finding of bad faith.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

The Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant, however, paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a response as it considers appropriate.

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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

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.

Furthermore, as previously held by numerous panels, a domain name which consists of a common, obvious, or intentional misspelling of a trademark, referred to as typosquatting is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.1](#), section 1.9.

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 Complainant has confirmed that the Respondent is not affiliated with the Complainant, or otherwise authorized or licensed to use the RAISING CANE’S trademark or to seek registration of any domain name incorporating the trademark. The Respondent is also not known to be associated with the RAISING CANE’S trademark, and there is no evidence showing that the Respondent has been commonly known by the disputed domain name. [WIPO Overview 3.1](#), section 2.3.

Noting also the composition of the disputed domain name, which consists of a deliberate misspelling of the Complainant’s RAISING CANE’S trademark, the Panel further finds that the Respondent’s domain name was registered to create confusion as to its association with the Complainant and its trademark. Such conduct can never be regarded as a bona fide offering of goods or services under the Policy.

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.

Therefore, the Panel concludes that the Respondent does not have any rights or legitimate interests in the disputed domain name, and the Complainant has met its burden under paragraph 4(a)(ii) of the Policy.

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 observes that the Complainant’s RAISING CANE’S trademark registrations predate the registration of the disputed domain name. The composition of the disputed domain name strongly indicates targeting of the Complainant. The disputed domain name reproduces the Complainant’s trademark with only a minor typographical variation of the term “raising”, resulting in a domain name closely

resembling the Complainant's RAISING CANE'S trademark. Such conduct constitutes a classic form of typosquatting, which panels have repeatedly recognized as evidence of bad faith registration.

In these circumstances, and in light of the well-known character of the Complainant's trademark, the Panel finds that the Respondent was aware of the Complainant's business and trademark at the time of registration. [WIPO Overview 3.1](#), section 3.2.2.

Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, as well as the composition of the disputed domain name, and finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Based on the available record, 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 <raisingcanes.com> be transferred to the Complainant.

/Alissia Shchichka/

Alissia Shchichka

Sole Panelist

Date: August 10, 2026