

ADMINISTRATIVE PANEL DECISION

Lost Dog Café Corporation v. Lisa kathan
Case No. D2026-3074

1. The Parties

Complainant is Lost Dog Café Corporation, United States of America (U.S.A. or United States), represented by Driscoll Seltzer, PLLC, U.S.A.

Respondent is Lisa kathan, U.S.A.

2. The Domain Name and Registrar

The disputed domain name <lostdogcoffeecompany.com> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 13, 2026. That same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. Also, on July 13, 2026 the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (“Registration Private via Domains By Proxy, LLC”) and contact information in the Complaint. The Center sent an email communication to Complainant on July 20, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on July 27, 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 Respondent of the Complaint, and the proceedings commenced on July 28, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 17, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on August 21, 2026.

The Center appointed Harrie R. Samaras as the sole panelist in this matter on August 28, 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 is a nonprofit corporation organized in the Commonwealth of Virginia, U.S.A. It owns multiple United States Trademark Registrations for the following Trademarks including: Trademark Registration No. 4,607,371 (registered September 16, 2014, first use in commerce April 28, 2014) in relation to coffee (the “LOST DOG Mark” or “the Mark”); Trademark Registration No. 4,402,647 (registered September 17, 2013) in relation to beverage glassware and mugs and shirts and t-shirts (the “LOST DOG CAFE” Mark); and Trademark Registration No. 2,963,574 (registered June 28, 2005) in relation to restaurants (the “LOST DOG CAFE Mark”). Complainant also is associated with a dog and cat rescue foundation. Complainant has been selling coffee under its LOST DOG Mark since April 2014.

Respondent registered the Domain Name on November 10, 2021. Respondent operates a dog rescue foundation and was selling its coffee to support the rescue in May 2022. In March 2022, the Domain Name was associated with a “Coming Soon” page. As of July 9, 2026, the Domain Name was associated with a website that was selling coffee under “Lost Dog Coffee Co.”. Now, the message is “This store is currently unavailable.”

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name. Notably, Complainant contends that the Domain Name is confusingly similar to the LOST DOG Mark because it includes the entire LOST DOG Mark and only adds the descriptive term “coffee”, which describes Complainant’s goods sold under the Mark, in addition to the descriptive term “company”.

Given Complainant’s prior use of the LOST DOG Mark in relation to coffee, and the fact that it has not licensed or granted any rights to Respondent to use the LOST DOG Mark, Respondent has no legitimate rights or interests in the Domain Name.

Respondent registered and used the Domain Name in bad faith because Respondent had prior knowledge of Complainant’s LOST DOG Mark as well as Complainant’s franchised restaurants called LOST DOG CAFÉ with numerous previous trademark registrations, including one for coffee, as well as knowing that Complainant is affiliated with the Lost Dog Foundation, which holds a registration for the LOST DOG & CAT RESCUE FOUNDATION mark (United States Trademark Registration No. 5,809,935).

Respondent’s registration and use of the Domain Name well after Complainant registered and used the LOST DOG Mark is an intentional attempt to attract viewers to its website for commercial gain by creating a likelihood of confusion with the Mark as to the source, sponsorship, affiliation, and endorsement of Respondent’s website and coffee products being sold there as well as links soliciting donations to its related animal rescue organization.

B. Respondent

Respondent did not reply to 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.

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 entirety of the Mark is reproduced within the Domain Name. Accordingly, the Domain Name is confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms here, "coffee" and "company" 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 Domain Name and the Mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 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.

The Panel notes that the expression "lost dog" has an ordinary dictionary meaning and that Complainant's evidence indicates that Respondent operates animal-rescue-related activities and used the Domain Name in connection with the sale of coffee intended to support those activities. Such circumstances require consideration under section 2.10.1 of the [WIPO Overview 3.1](#). However, the mere fact that a disputed domain name contains a dictionary phrase does not automatically confer rights or legitimate interests. The question is whether the Respondent's use is independent of, or instead trades off, the Complainant's trademark rights.

In the present case, Complainant owns registered rights in the mark LOST DOG specifically for coffee, and Respondent used the Domain Name in connection with the sale of coffee under the designation "Lost Dog Coffee Co."

On the record before it, and absent any explanation from Respondent, the Panel finds, on balance, that Respondent's use is more likely than not intended to capitalize on the goodwill associated with Complainant's trademark rather than merely to invoke the dictionary meaning of the phrase "lost dog". Accordingly, the Panel finds that Respondent lacks rights or legitimate interests in the Domain Name.

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 recognizes that the phrase “lost dog” has an ordinary meaning that could correspond to animal-rescue activities and that Respondent appears to have used the Domain Name in connection with such activities. Nevertheless, the relevant inquiry is whether Respondent more likely than not registered the Domain Name with Complainant’s trademark rights in mind. In this regard, Complainant had registered and used the LOST DOG Mark for coffee for many years before Respondent registered the Domain Name, and both Parties are located in the United States. The addition of the descriptive term “coffee” in conjunction with the LOST DOG Mark would indicate that Respondent was aware that Complainant, sells coffee under the Mark, and was aware that it too has a rescue for dogs (and cats). In fact, Respondent was using the Domain Name to sell coffee to support dog rescue efforts under the designation “Lost Dog Coffee Co.”, like Complainant. However, the Panel notes that the content of the associated website was removed during the pendency of the current proceeding. The only evidence in the record, and absent any contrary explanation from Respondent, leads to the conclusion that it is more likely than not that Respondent knew of Complainant and its rights in the Mark before registering and using the Domain Name to sell the same product for the same purpose.

The Panel therefore concludes that Respondent intentionally sought to attract Internet users by creating a likelihood of confusion as to source, sponsorship, affiliation, or endorsement within the meaning of paragraph 4(b)(iv) of the Policy.

The disputed domain name currently resolves to an inactive page. Panels have found that the non-use of a domain name including a blank or “unavailable” page 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 of Complainant’s Mark, the composition of the Domain Name, and the fact that Respondent tried to conceal her identity, and finds that in the circumstances of this case the passive holding of the Domain Name does not prevent a finding of 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 Domain Name <lostdogcoffeecompany.com> be transferred to Complainant.

/Harrie R. Samaras/

Harrie R. Samaras

Sole Panelist

Date: September 7, 2026