ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
CBOCS Properties, Inc. v. David Mark
Case No. D2026-3185

1. The Parties

Complainant is CBOCS Properties, Inc., United States of America (or “United States”, “US”), represented by Dinsmore & Shohl LLP, United States.

Respondent is David Mark, United States.

2. The Domain Name and Registrar

The disputed domain name <crackerrbarrel.com> (the “Domain Name”) 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 July 20, 2026. On July 21, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. That same day, 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 (Unknown Registrant) and contact information in the Complaint. The Center sent an email communication to Complainant on July 28, 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 July 28, 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 August 10, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 30, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 3, 2026.

The Center appointed Harrie R. Samaras as the sole panelist in this matter on September 16, 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 owns all of the intellectual property used by Cracker Barrel Old Country Store, Inc., which operates a nationwide chain of restaurants and retail gift shops across the United States in more than 660 locations in 45 states. Complainant owns many registrations for the CRACKER BARREL Mark (or the "Mark") including U.S. Registration Nos. 3,886,461 (registered December 7, 2010) and 3,900,702 (registered January 4, 2011). Complainant also owns the domain name <crackerbarrel.com>, which it uses to promote its restaurant services and retail store services.

The Domain Name was registered on May 31, 2026, and it resolves to Complainant's 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 Domain Name. Notably, Complainant contends that the Domain Name is confusingly similar to the Mark because it incorporates the CRACKER BARREL Mark with the exception that a second letter "r" appears at the end of the CRACKER element of the Domain Name. The only other difference between the Domain Name and the Mark is the addition of the ".com" generic Top-Level-Domain ("gTLD") suffix, which is mandated by domain name conventions.

Respondent is not commonly known by the Domain Name, nor is there any indication that Respondent registered the Domain Name as a trademark. Complainant has never assigned, sold or transferred any rights in the Mark to Respondent, nor has Complainant granted Respondent permission to use or register the Mark as a domain name. Further, Respondent appears to be making virtually no use of the Domain Name, rather the Domain Name redirects to Complainant's official site at <crackerbarrel.com>. Such redirection — which is not authorized by Complainant — does not give rise to any rights or legitimate interests in a domain name.

Respondent has registered and used the Domain Name in bad faith by virtue of the following: (a) Respondent had actual knowledge of Complainant's rights in the Mark when registering the Domain Name – the Mark has been used for many years before the Domain Name was registered; (b) the Domain Name is the result of typosquatting; (c) the Domain Name currently redirects to Complainant's site - reinforcing that Respondent was aware of Complainant and the Mark before registering and using the Domain Name. Also, the redirection constitutes bad faith and an attempt to cause confusion; (d) the risk inherent in this situation is not only the present risk, but the future risk that the Domain Name, by not being under Complainant's control, could at any point be redirected to another website, including one in competition with Complainant or otherwise harmful to Complainant's business, but also Respondent could direct traffic to an imitation site, through which it could invite users to input information for fraud or identity theft; (e) Respondent has engaged in a pattern of bad faith conduct by registering multiple trademark-abusive domain names corresponding to the distinct marks of individual brand owners; (f) Respondent's use of a privacy protection service in registering the Domain Name to conceal his/her identity; and (g) Respondent has provided false contact information. The physical address given for Respondent is the address for one of Complainant's facilities, a Cracker Barrel Store Support Center. The phone number listed for Registrant bears a 661 area code, suggesting that it is based in Southern California, U.S. This disconnect between the incorrect physical address and the phone number area code raises the inference that the provided contact information may not be correct.

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 Complainant's trademark and the 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 Panel finds the Mark is recognizable within the Domain Name, notwithstanding the addition of another letter "r" after the word "cracker". Accordingly, the Domain Name is confusingly similar to the Mark for the purposes of the Policy. WIPO Overview 3.1, sections 1.7 and 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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the 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 Domain Name such as those enumerated in the Policy or otherwise.

Respondent's redirection of the Domain Name to Complainant's official site at <crackerbarrel.com> does not confer any rights or legitimate interests in the Domain Name to Respondent.

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 that: (1) Respondent registered a Domain Name for which he has not shown any rights or legitimate interests; (2) the Mark has been used in commerce long before Respondent registered the Domain Name; (3) the Domain Name is a typosquatting (addition of an extra letter "r") of Complainant's well-established Mark; (4) Respondent has redirected the Domain Name to Complainant's own website; (5) Respondent gave as his address the address of one of Complainant's business sites; and (6) the Domain Name is almost identical to Complainant's domain name <crackerbarrel.com>. For all of these reasons, the Panel concludes that it is more likely than not that Respondent knew of Complainant and its rights in the Mark when registering the Domain Name and, therefore, the registration was in bad faith.

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.

Relevant here as evidence of Respondent's bad faith use is: (1) the redirection to Complainant's own website at <crackerbarrel.com> which is almost identical to the Domain Name; (2) the absence of any plausible good faith use to which the Domain Name could be put noting the typosquatting nature of the Domain Name (e.g., it could be redirected to the website of a competitor or it could be redirected to an imitation site, through which it could invite users to input information to be used for illegal or illegitimate activities); and (2) f providing what appears to be false contact information (i.e., a physical address for one of Complainant's facilities in a location that differs from the area code for the phone number).

The Panel finds that 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 <crackerrbarrel.com> be transferred to Complainant.

/Harrie R. Samaras/
Harrie R. Samaras
Sole Panelist
Date: September 21, 2026