

ADMINISTRATIVE PANEL DECISION

The Triangle X Ranch Partnership v. Frank Chapman / Eco Resorts llc,
Case No. D2024-4687

1. The Parties

The Complainant is The Triangle X Ranch Partnership, United States of America ("United States"), represented by Irwin IP LLC, United States.

The Respondent is Frank Chapman / Eco Resorts llc, United States, represented by Chapman Law Firm Co., LPA.

2. The Domain Name and Registrar

The disputed domain name <trianglex ranch.com> 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 November 13, 2024. On November 14, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 14, 2024, 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 (Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 18, 2024, 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 November 18, 2024.

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 November 22, 2024. In accordance with the Rules, paragraph 5, the due date for Response was December 12, 2024. The Response was filed with the Center on December 3, 2024. The Complainant filed a supplemental filing on December 18, 2024. On December 19, 2024, the Respondent sent an email stating, "We formally object to any additional filing including this

supplemental.”

The Center appointed W. Scott Blackmer as the sole panelist in this matter on December 23, 2024. 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 is a partnership organized under the laws of the State of Wyoming, United States, operating a family-owned dude ranch as a concession within Grand Teton National Park in the State of Wyoming, United States. Since 1926, the Turner family and associates have offered park visitors “sustainable, service-oriented, family-friendly activities, such as horseback riding, hiking, and float trips on the Snake River”. According to the Complaint, the TRIANGLE X RANCH is the only remaining dude ranch concession with ranch facilities based within the United States National Park Service system. The record includes historical photographs, print advertisements, and newspaper articles publicizing and describing the TRIANGLE X RANCH.

The Complainant operates a website at “www.trianglex.com” (the “Complainant’s website”) and linked social media sites. The Panel notes that the domain name for this website was registered in 1997, and the Internet Archive’s Wayback Machine has archived screenshots of the Complainant’s website from January 1998 onward.

The Complainant holds United States Trademark Registration Number 3434375 (registered on May 27, 2008) for TRIANGLE X RANCH as a standard character mark in International Class 43 for “dude and guest ranch services”.

The Registrar reports that the disputed domain name was created on February 25, 2023, and is registered to the Respondent Frank Chapman, listing the organization as Eco Resorts llc, with a postal address in Moran, Wyoming, United States. The Panel notes that the online database of the Wyoming Secretary of State lists Eco Resorts llc as a Wyoming limited liability company with a principal office in Moran, Wyoming, established in March 2021 with Frank Chapman as the organizer and registered agent. The database also shows the status of Eco Resorts llc as “Inactive – Administratively Dissolved (Tax)” as of May 2024, and the Panel notes that the Response in this proceeding was filed only in the name of Mr. Chapman.

The disputed domain name redirects to the website (the “Respondent’s website”) of the Heart Six Guest Ranch in Moran, Wyoming, located near the Grand Teton and Yellowstone National Parks. The Heart Six Guest Ranch offers many of the same services as the Complainant’s TRIANGLE X RANCH, such as horseback riding, fishing, and float trips on the Snake River. The Respondent’s website is copyrighted by “Heart 6 Ranch, LLC”. The Panel notes that, according to the business entities database of the Wyoming Secretary of State, this is an active limited liability company that was also organized by the Respondent Frank Chapman.

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 the disputed domain name is identical or confusingly similar to its registered word mark TRIANGLE X RANCH. The Respondent is a direct competitor and is not authorized to use the Complainant’s mark. Using the disputed domain name to redirect consumers to a competitor’s

website cannot be considered a use in connection with a bona fide offering of goods or services. The Complainant's mark is well established, and the Respondent is a local competitor. It is 'inconceivable' that the Respondent was unaware of the Complainant's mark. Using it to redirect traffic to the Respondent's website represents opportunistic bad faith.

B. Respondent

The Respondent contends that the Complainant has no rights to the name "Triangle X Ranch" because it merely has a contract to operate a concession by that name in a National Park. The Respondent's theory is that the United States Government owns the land and the historical name, which might ultimately be passed to another concessioner operating the ranch in the Park. The Respondent refers to a judicial proceeding involving "the Ahwahnee in Yellowstone National Park". The Respondent refers to a legal dispute settled in 2019 between the National Park Service and a former concessioner concerning the Ahwahnee Hotel and other historic sites in Yosemite (not Yellowstone) National Park. (The Complainant furnished a copy of the settlement agreement with its supplemental filing.)

The Respondent states that he has offered to transfer the disputed domain name to Grand Teton National Park, suggesting a "common" price of USD 25,000, but reports that he has not yet had a reply from the park authorities.

6. Discussion and Findings

6a. Supplemental Filing

Unsolicited supplemental filings are not encouraged but may be considered in exceptional circumstances. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.6. The Panel accepts the Complainant's supplemental filing here to reply to the Respondent's unusual argument concerning the United States Government's purported ownership of the name claimed as the Complainant's mark. The additional information furnished with the supplemental filing documents the Complainant's relevant communications with the National Park Service concerning the Complainant's concession and intellectual property rights. The Respondent objected to this supplemental filing but did not reply substantively to the content.

6b. Substantive Issues

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 3.0](#), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark (the registered TRIANGLE X RANCH word mark) for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel also finds the Complainant has established unregistered trademark or service mark rights in the word mark TRIANGLE X RANCH for the purposes of the Policy, through continuous use for nearly a century. [WIPO Overview 3.0](#), section 1.3.

The entirety of the mark is reproduced within the disputed domain name, which differs only in omitting the spaces between the words and the letter "X", which cannot be accommodated in URL addresses in the DNS address system. Accordingly, the disputed domain name is identical or confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Respondent raises an objection to the Complainant claiming TRIANGLE X RANCH as a mark, arguing that this is solely the prerogative of the United States Government and citing the Yosemite National Park settlement as precedent. That litigation was based on the facts surrounding the concession agreements at issue in that case and the transfer of properties from one concessioner to another. The Yosemite settlement does not establish a general principle of law that a Parks concession holder cannot trademark services related to operations in a national park, as the Complainant has done. The Complainant holds a subsisting national trademark registration, and the Complainant furnished documentary evidence with its supplemental filing showing that (a) it has repeatedly made the National Park Service aware of the Complainant's trademark registration of TRIANGLE X RANCH, including in response to a query sent to concessioners as a result of the Yosemite litigation, and (b) the Complainant's current concession agreement does not require it to abandon or transfer its existing trademark rights. The National Park Service has not challenged the Complainant's trademark or its use of a corresponding domain name. Therefore, the Panel finds no merit in the Respondent's arguments against the Complainant's claims to UDRP standing based on relevant trademark rights.

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 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 3.0](#), 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. The Respondent has challenged the Complainant's right to use the TRIANGLE X RANCH mark but does not claim such a right itself; in fact, the Respondent states that only the United States Government has a right to the name. (Nevertheless, the Respondent proposes to sell the disputed domain name to a Government agency for some USD 25,000.)

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 the Respondent, a local and direct competitor of the more well-established Complainant, does not deny prior awareness of the Complainant's mark but instead argues that it belongs to the National Park Service. Nevertheless, the Respondent used the disputed domain name, identical to the mark, to redirect Internet users to the Respondent's website advertising similar services from a nearby location, disadvantaging both the Complainant and the Park Service by creating a likelihood of confusion to attract Internet users for commercial gain. This is an example of bad faith under the Policy,

paragraph 4(b)(iv).

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 <trianglex ranch.com> be transferred to the Complainant.

/W. Scott Blackmer/

W. Scott Blackmer

Sole Panelist

Date: January 6, 2025