

ADMINISTRATIVE PANEL DECISION

Nammo Lapua Oy v. Mason Silver, CEO

Case No. D2025-0702

1. The Parties

The Complainant is Nammo Lapua Oy, Finland, represented by Heinonen & Co., Attorneys-at-Law Ltd., Finland.

The Respondent is Mason Silver, CEO, United States of America.

2. The Domain Name and Registrar

The disputed domain name <lapuabrass-usa.com> (the “Disputed Domain Name”) is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 20, 2025. On February 21, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On February 22, 2025, 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 (“Private Registrant(s)”, Super Privacy Service LTD c/o “Dynadot”) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 24, 2025, 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 February 25, 2025.

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 March 3, 2025. In accordance with the Rules, paragraph 5, the due date for Response was March 23, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 26, 2025.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on March 31, 2025. 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, Nammo Lapua Oy, was founded in 1923 and is a leading manufacturer of premium small caliber ammunition. It is part of the Nammo Group, a supplier of ammunition and rocket motors. The Complainant owns various trademarks for the LAPUA mark. The relevant trademark registrations include, inter alia, the United States Trademark Registration No. 2043495 for “LAPUA” in Class 13 registered on March 11, 1997, the Canadian Trademark Registration No. TMA772024 for “LAPUA” in Class 13 registered on July 15, 2010, and the European Union Trademark Registration No. 008400582 for “LAPUA” in Class 13 registered on March 22, 2010 (the “Complainant’s Trademark”).

The Disputed Domain Name was registered on January 30, 2023, many years after the Complainant registered the Complainant’s Trademark. At the time of filing of the Complaint, the Disputed Domain Name purportedly resolved to a website that featured the Complainant’s Trademark and offered goods with product titles that incorporated the Complainant’s Trademark (the “Respondent’s Website”). At the time of the rendering of this Decision, the Panel notes that the Disputed Domain Name redirects to the website “www.brassshopusa.com” which is a parking page stating “This account has been suspended” and “Either the domain has been overused, or the reseller ran out of resources”.

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:

- a) The Disputed Domain Name is identical or confusingly similar to the Complainant’s Trademark. The Disputed Domain Name incorporates the Complainant’s Trademark in its entirety with the addition of the words “brass” and “usa”. The word “brass” can be understood as a reference to a material that consumers would associate with the Complainant’s goods in Class 13, namely yellow alloy of copper and zinc, and therefore associate with the Complainant’s business and the goods protected by the Complainant’s Trademark, such as ammunition. The Respondent’s Website purportedly featured the Complainant’s Trademark and was used to market ammunition, which will increase the likelihood of confusion between the Disputed Domain Name and the Complainant’s Trademark.
- b) The Respondent has no rights or legitimate interests in the Disputed Domain Name. The Respondent is not authorised to use the Complainant’s Trademark. The Respondent has not acquired any trademark rights in the Complainant’s Trademark. The Respondent is not using the Disputed Domain Name for bona fide offering of goods and services, but rather is using it to purportedly operate the Respondent’s Website that features the Complainant’s Trademark and copyrighted material of the Complainant without the Complainant’s consent. The Respondent knowingly chose to register the Disputed Domain Name to mislead Internet users as to the ownership and sponsorship of the Respondent’s Website.
- c) The Respondent has registered the Disputed Domain Name and is using it in bad faith. Given the reputation that the Complainant has acquired in the Complainant’s Trademark, the Respondent must have been fully aware of the existence of the Complainant’s rights in the Complainant’s Trademark when the Respondent registered and used the Disputed Domain Name.

The Respondent intentionally attempts to attract Internet users to the Respondent's Website for commercial gain by creating a likelihood of confusion with the Complainant's Trademark as to the source, sponsorship, affiliation and endorsement of the Respondent's Website and products offered on the website.

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 is required to prove each of the following three elements:

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

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 Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

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

The entirety of the Complainant's Trademark is reproduced within the Disputed Domain Name. Furthermore, the generic Top-Level Domain in this case ".com" may be disregarded for the purposes of assessing confusing similarity under the first element. Accordingly, the Disputed Domain Name is confusingly similar to the Complainant's Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "brass" and "usa") 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 Disputed Domain Name and the Complainant's Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), 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 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.

In the present case, the Respondent did not submit a Response. The fact that the Respondent did not submit a Response does not automatically result in a decision in favor of the Complainant. However, the Respondent's failure to file a Response may result in the Panel drawing appropriate inferences from such default. The Panel may also accept all reasonable and supported allegations and inferences flowing from the Complainant as true (see *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. [D2009-1437](#); and *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. [D2000-0403](#)).

The Panel notes that there is no evidence to show that the Respondent has trademark rights corresponding to the Disputed Domain Name, or that the Respondent has become commonly known by the Disputed Domain Name. The Panel further notes that the Complainant has provided no license or authorization of any kind to the Respondent to use the Complainant's Trademark or to apply for or use any domain name incorporating the Complainant's Trademark. The Respondent would likely have not registered the Disputed Domain Name if not for the purpose of creating an impression that it is associated with, or originates from, the Complainant. The reproduction of the Complainant's Trademark and the addition of the terms "brass" and "usa" in the Disputed Domain Name, as well as the purported use of the Complainant's Trademark and the Complainant's product images and descriptions on the Respondent's Website, also lead to a risk of implied affiliation as the Disputed Domain Name effectively impersonates or suggests sponsorship or endorsement by the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#).

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 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 it is difficult to conceive of any plausible use of the Disputed Domain Name by the unaffiliated Respondent that would amount to good faith use, given that the Disputed Domain Name incorporates the Complainant's Trademark in its entirety and the Complainant's Trademark and the Complainant's product images were purportedly displayed on the Respondent's Website without the Complainant's consent. The Respondent registered and used the Disputed Domain Name to mislead and divert Internet users to the Respondent's Website for commercial gain by creating a likelihood of confusion with the Complainant's Trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's Website and the products offered on the website. See paragraph 4(b)(iv) of the Policy and section 3.1 of the [WIPO Overview 3.0](#).

Further, the Respondent failed to respond to the Complainant's contentions and has provided no evidence of its actual or contemplated good faith use of the Disputed Domain Name. Panels have previously held that a finding of bad faith can be established where a complainant's trademark is shown to be well-known or in wide use at the time of registration of the disputed domain name (see *LEGO Juris A/S v. store24hour*, WIPO Case No. [D2013-0091](#)). The Respondent must have been aware of the Complainant's business and the Complainant's Trademark when registering and using the Disputed Domain Name given the history and extensive use of the Complainant's Trademark evidenced by the various trademark registrations that predate the Respondent's registration of the Disputed Domain Name, and the Complainant's claim that the Complainant's Trademark and images and descriptions of the Complainant's products were purportedly featured on the Respondent's Website.

The Panel notes that the Disputed Domain Name now resolves to an inactive website. Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's Trademark, and 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.

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 <lapuabrass-usa.com> be transferred to the Complainant.

/Gabriela Kennedy/

Gabriela Kennedy

Sole Panelist

Date: April 15, 2025