

## **ADMINISTRATIVE PANEL DECISION**

Rintoul Enterprises, LLC v. Evan Wilson  
Case No. D2025-2193

### **1. The Parties**

The Complainant is Rintoul Enterprises, LLC, United States of America (“United States”), represented by Scheef & Stone, LLP, United States.

The Respondent is Evan Wilson, United States.

### **2. The Domain Name and Registrar**

The disputed domain name <kodiaksuppressors.com> is registered with Squarespace Domains LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 4, 2025. On June 5, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Evan Wilson / REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 8, 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 June 10, 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 June 11, 2025. In accordance with the Rules paragraph 5, the due date for Response was July 1, 2025. Following an automatic extension requested by the Respondent, the new due date was July 5, 2025. The Response was filed with the Center on July 4, 2025.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on July 15, 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.

The Panel issued Procedural Order No. 1 on July 25, 2025, noting that the trademark on which the Complainant relies is not registered to the Complainant and that the database of registered companies maintained by the Oregon Secretary of State lists no currently active entity with a name corresponding to the trademark owner. The Panel asked the Complainant to explain the basis on which it asserts rights under the mark, giving both Parties an opportunity to comment. The Complainant submitted a Reply with annexed documentation on August 1, 2025. The Respondent did not reply.

#### **4. Factual Background**

The Complaint describes the Complainant as a provider of “high quality ammunition, firearms, and other firearms related equipment”, “founded at least as early as 2013” and headquartered in Rainier, Oregon. The Complainant operates a website at “www.grizzlycartridge.com” (the “Complainant’s website”), which is headed, “Grizzly Ammunition Second to None” with an illustration of a grizzly bear. The home page refers to “Grizzly Cartridge, LLC” and “Cast Performance Co.” The About Us page of the website mentions Mike Rintoul as the founder of “Grizzly Cartridge Company”. The website copyright notice is in the name of “Rintoul Enterprises”.

The Complainant states that “the Complainant” is a licensed Federal Firearms Dealer registered with the United States Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives (“ATF”). The Panel notes that Grizzly Cartridge LLC is listed as a licensed manufacturer of firearms ammunition on the ATF’s online database<sup>1</sup>.

The Panel notes that the online database of the Oregon Secretary of State shows that the Complainant was established as a limited liability company in 2006 under the laws of the State of Oregon, United States, and that Michael Rintoul is listed as the manager. Mr. Rintoul is also listed in that database as the member of Grizzly Cartridge LLC and as the president of Rintoul Industries Inc., as well as the listed officer and/or agent of several other “Grizzly” and “Rintoul” companies, all at the same address in Rainier, Oregon.

The Complainant’s website advertises ammunition and apparel for hunters and other gun owners. Although the website does not appear to include a page devoted to KODIAK branded merchandise, and the KODIAK mark does not appear on the home page of the Complainant’s website, the search feature of the website returns several product descriptions of KODIAK bullets that may be ordered through the Complainant’s website, posted in 2023 and 2024, as well as one customer review from 2022. The word KODIAK is accompanied by a circle “R” symbol in the product listings indicating a registered trademark.

The Complainant claims United States trademark registration number 4822638 for KODIAK, registered on September 29, 2015, for a composite mark consisting of an illustration of a bear superimposed over stylized letters forming the word KODIAK, in International Class 13. (Thus, the “R” symbol displayed on the Complainant’s website is arguably improper, as this registered composite mark does not appear on the website). In fact, the trademark is registered to Rintoul Manufacturing Inc., described as an Oregon corporation located in Rainier, Oregon, according to the certificate furnished by the Complainant and the online database of the United States Patent and Trademark Office (“USPTO”). However, the Panel notes that the database of the Oregon Secretary of State includes no listing of a registered company named

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<sup>1</sup> Noting the general powers of a panel articulated in paragraphs 10 and 12 of the Rules, it is commonly accepted that a panel may undertake limited factual research into matters of public record, as the Panel has done in this proceeding. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([WIPO Overview 3.0](#)), section 4.8.

Rintoul Manufacturing Inc., nor do any of the listed, active “Rintoul” companies appear to have entered a name change from Rintoul Manufacturing Inc. Hence, the Panel issued Procedural Order No. 1 requesting clarification concerning the ownership of the trademark registration.

The Complainant’s Reply to the Procedural Order explains that through an “inadvertent oversight” the application for the registration of the composite KODIAK trademark was made on behalf of “Rintoul Manufacturing Inc.”, which was not a legal entity but “merely an assumed business name” of the Complainant, “which was always the formal legal entity that owned the KODIAK mark and registration”. Because of the Procedural Order in this proceeding, the Complainant’s trademark attorney of record has filed a request with USPTO (annexed to the Reply) to “correct the name of the owner” of the trademark, arguing that “the true ownership of the registered mark remains the same”.

The Complainant’s Reply also annexes a filing with the Oregon Secretary of State from 2011 showing that the Complainant registered an assumed business name. However, that name was “Rintoul Manufacturing Co.”, not “Rintoul Manufacturing Inc.”, the name shown on the trademark application in 2013 and registration in 2015. The Complainant’s recent filing with USPTO alludes to this “additional minor inadvertent oversight” in referring to “Rintoul Manufacturing Inc.” rather than “Rintoul Manufacturing Co.”, which the Complainant in its recent filing with the USPTO characterizes as “a legal entity under Rintoul Enterprises LLC since 2011”. This characterization does square with the Complainant’s statement (and submitted documentation) showing that “Rintoul Manufacturing Co.” is an assumed business name, not a legal entity.

The Complainant also claims common law rights in the word mark KODIAK, used in connection with ammunition, firearms, and related equipment produced by the Complainant since “at least as early as November 13, 2013” and continuously since. As proof, the Complainant offers screen captures of its website from February 2024 and May 2025, as found on the Internet Archive’s Wayback Machine and essentially as described above.

The disputed domain name was created on July 23, 2024, and is registered to the Respondent Evan Wilson, listing no organization, a postal address in the State of Kentucky, United States, and a Gmail contact email address.

The disputed domain name resolves to the Respondent’s website at “www.exigentdefense.com”, headed with a logo consisting of a capital letter “X” in angle brackets followed by the name “Exigent Defense”. The Respondent’s website sells noise suppressors (silencers) and other accessories for firearms, including those branded KODIAK SUPPRESSORS. The website is oriented toward military and law enforcement agencies as well as individual customers and includes information for persons interested in becoming dealers. At the time of filing the Complaint, the disputed domain name resolved to a website displaying a similar “Over Built Under Budget” presentation and offering KODIAK SUPPRESSORS products for sale.

The Response attaches proof that the Respondent is the managing member of Kodiak Suppressors LLC, a Kentucky limited liability company formed on July 23, 2024. The Response also attaches a printout from the online database of the ATF showing that Kodiak Suppressors LLC, under the trade name Exigent Defense, holds the relevant license from the ATF.

In July 2024, the Respondent applied to USPTO for trademark registration of KODIAK SUPPRESSORS as a word mark (serial number 98666445) and as a composite mark featuring an illustration of a bear paw in place of the letter “O” in the word “Kodiak” (serial number 98772049). The USPTO declared those applications abandoned in July 2025, following its dismissal of the applications on the ground of confusing similarity with the KODIAK composite mark claimed by the Complainant.

On April 2, 2025, the Respondent registered another domain name incorporating terms used by the Complainant, <grizzlyammunition.com>. This is the subject of a separate proceeding, *Rintoul Enterprises, LLC d/b/a Grizzly Cartridge, LLC v. Evan Wilson*, WIPO Case No. [D2025-2194](#) (“Grizzly Cartridge”).

## **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 confusingly similar to its registered and common law KODIAK marks, incorporating them in their entirety. The Complainant asserts that the Respondent has no association with the Complainant and intentionally registered and used the disputed domain name only to create confusion with the Complainant, as the Respondent sells firearm-related products to consumers in a similar market. The Respondent's logo is similar, using block letters and an illustration of a bear paw print evocative of the Complainant's logo, thereby enhancing the likelihood of confusion. The Complainant observes that the USPTO has so far refused registration of the Respondent's standard character and design marks precisely because of this likelihood of confusion with the Complainant's composite mark. The Complainant infers that this confusingly similarity reflects a bad faith intent to exploit the Complainant's mark, as does the registration of the disputed domain name through a domain privacy service.

### **B. Respondent**

The Respondent contends that the Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name. The Respondent asserts that the Complainant has no trademark in the word "Kodiak" and that its "Kodiak" ammunition is not well known and is easily distinguished from the Respondent's suppressors, a type of product that the Complainant does not sell.

The Respondent also reports that, without admitting fault, the Respondent entered into an agreement with the Complainant on March 10, 2025, which the Complainant did not mention in the Complaint. Under this agreement, the Respondent was allowed a one-year transition period to re-brand its suppressors. (No written memorialization of the agreement was attached to the Response.) The Respondent denies any intent to target the Complainant or its customers and claims a legitimate interest in using a domain name corresponding to its company name and product name, for products that do not compete with the Complainant's.

## **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 3.0](#), section 1.7.

As described above, the Complainant seems to have fumbled its trademark application for the KODIAK composite mark more than a decade ago, applying for the mark using an assumed business name (and not even the exact form of that assumed business name as registered with the state). The Complainant is now trying to correct this mistake discovered as a consequence of the Procedural Order in the current proceeding. Ultimately, of course, it is for the USPTO to determine whether the error can be remedied in this fashion. However, the Panel finds sufficient evidence on the current record to determine that the Complainant has rights in the registered composite KODIAK mark for Policy purposes. The Complainant applied for and obtained the mark with an assumed business name that appears to refer to the Complainant and not any other entity, and the Respondent has not disputed that it relates to the Respondent. The Complainant itself has clearly used the registered mark since 2015, as evidenced not only on its website, but in the specimens of product labelling submitted to USPTO at intervals from 2015 to 2025, as found on the

USPTO database. Thus, the Panel concludes that the Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

In contrast to the composite mark, the Panel finds that the Complainant has not established unregistered trademark or service mark rights in the word mark KODIAK for the purposes of the Policy. “Kodiak” is a geographic term and a dictionary word signifying a large type of bear found in the Kodiak Archipelago of Alaska (see, e.g., Collins Dictionary online). The few documented instances of the Complainant’s use of the term alone as a mark for a particular kind of ammunition in product lists from the website screenshots from 2022 onward are insufficient to establish secondary meaning or acquired distinctiveness. The Complainant offers no proof of use since 2013 as claimed, no proof of sales or marketing under the mark apart from these few screenshots (which do not highlight the mark even on the Complainant’s website), no evidence of industry or media recognition, and there is only one consumer review to be found by searching on the term on the Complainant’s website. See [WIPO Overview 3.0](#), section 1.3, for commonly accepted criteria for establishing unregistered trademark rights for Policy purposes.

The entirety of the KODIAK textual element of the registered composite mark is reproduced within the disputed domain name. This suffices to support a finding that the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, “suppressors”) may bear on assessment of the second and third elements, the Panel finds the addition of such a term does not prevent a finding of confusing similarity between the disputed domain name and the mark 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.

The Panel finds that, before notice to the Respondent of the dispute, the Respondent used the disputed domain name in connection with a bona fide offering of goods, redirecting it to the Respondent’s “Exigent Defense” website that sells products including “Kodiak Suppressors”. [WIPO Overview 3.0](#), section 2.2.

The Panel also finds that the Respondent has been commonly known by a name correspondent to the disputed domain name, as the Respondent is the managing member of Kodiak Suppressors LLC. [WIPO Overview 3.0](#), section 2.3. The Response attaches evidence showing that this is a Kentucky limited liability company formed on July 23, 2024, the same day that the Respondent registered the disputed domain name. That company also has an ATF firearms license.

In this case, the Complainant highlights the fact that the Respondent unsuccessfully applied to register KODIAK SUPPRESSORS as a trademark, failing to obtain rights in the name. The Complainant argues further, in effect, that the Respondent selected its product and company names as well as the disputed domain name in bad faith, in an effort to exploit the Complainant’s reputation, which cannot be considered a legitimate interest for Policy purposes. The Panel notes that the lack of trademark rights does not prevent a finding that the Respondent legitimately uses the disputed domain name in connection with a bona fide commercial offering or that the Respondent has been “commonly known” by a corresponding name under the Policy, paragraphs 4(c)(i) or (ii). Thus, the findings above would suffice to defeat the Complaint under the second element, so long as the Complainant does not prevail in its argument that the Respondent selected its product and company names as well as the disputed domain names in bad faith, to exploit the Complainant’s trademark. That argument depends on the same facts addressed below in the section on bad faith.

### **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 Respondent denies prior awareness of the Complainant and its composite KODIAK mark, saying that it has tried to “distance itself” from the Complainant since learning of the Complainant and its trademark. The Panel finds this denial credible. As described above, the Complainant does not use “Kodiak” in its company name or website name, and the Complainant does not make a persuasive case for using “Kodiak” as a “standard character mark” as claimed. The Complainant’s composite mark is found only on certain pages of the Complainant’s website labelling a particular kind of cartridge ammunition. The Complainant offers no evidence of sales volume or of marketing, consumer or media recognition apart from its website. The Respondent asserts that the Complainant’s business is small and home-based, which appears to be true given the postal address listed for the Complainant and its related businesses. Moreover, the Complainant is located in rural Oregon, while the Respondent is located in Kentucky. The Complainant does not sell suppressors, much less any suppressors labelled “Kodiak”, as the Respondent does. Thus, it is plausible that the Respondent was not aware of the Complainant and had no intent in selling “Kodiak Suppressors” to exploit the Complainant’s reputation built on a composite mark labelling a kind of ammunition.

The Complainant has the burden of proof on this issue, and the Panel does not find on these facts that the Respondent in July 2024 more likely than not chose to name its company and product, as well as the disputed domain name, in an effort to exploit the Complainant’s reputation associated with KODIAK ammunition. If the Respondent registered another domain name a year later in contemplation of a different trademark held by an entity related to the Complainant because of this dispute, as discussed in the *Grizzly Cartridge* proceeding, this is still not probative of the Respondent’s bad faith in July 2024 with regard to the disputed domain name in the current proceeding.

The Panel also rejects the inference of bad faith based on the Respondent’s registration of the disputed domain name through a domain privacy service. As many panelists have observed, this alone is not determinative of bad faith, when the underlying details furnished to the Registrar are accurate. There are legitimate reasons to avoid publishing one’s contact details, such as avoiding spam and identity theft.

The Panel finds the third element of the Policy has not been established.

On the same facts, that Panel also finds that the second element of the Policy has not been established.

### **7. Decision**

For the foregoing reasons, the Complaint is denied.

*/W. Scott Blackmer/*

**W. Scott Blackmer**

Sole Panelist

Date: August 13, 2025