ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION

Rintoul Enterprises, LLC d/b/a Grizzly Cartridge, LLC v. Evan Wilson
Case No. D2025-2194

1. The Parties

The Complainant is Rintoul Enterprises, LLC d/b/a Grizzly Cartridge, LLC, United States of America (“United States”), represented by Scheef & Stone, LLP, United States.

The Respondent is Evan Wilson, United States, self-represented.

2. The Domain Name and Registrar

The disputed domain name <grizzlyammunition.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 June 5, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Complainant filed an amended Complaint on June 16, 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 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 21, 2025. The Respondent sent informal email communications on June 25, 2025, and June 27, 2025, and the Response was filed with the Center on July 21, 2025.

The Center appointed W. Scott Blackmer as the sole panelist in this matter on July 29, 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 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 circle "R" symbol denoting a trademark registration appears after the word "Grizzly". The home page refers to "Grizzly Cartridge, LLC" and "Cast Performance Co." The "About" page of the website mentions Mike Rintoul as the founder of "Grizzly Cartridge Company", and the website copyright notice is in the name of "Rintoul Enterprises".

The Complainant's website advertises ammunition and apparel for hunters and other gun owners. The Complaint attaches screenshots from the Internet Archive's Wayback Machine showing that the website associated with the Complainant or a predecessor has advertised GRIZZLY CARTRIDGE ammunition since at least April 2004. The Panel notes that screenshots of earlier versions of the Complainant's website are headed differently, sometimes "Grizzly Ammunition", sometimes "Grizzley Cartridge Company", with a variety of design logos.

The Complaint 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[1].

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, established as an Oregon limited liability company, 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 Complaint states that "the Complainant" owns United States Trademark Registration No. 2955957 for the standard character mark GRIZZLY CARTRIDGE, registered on May 24, 2005, in International Class 13. Actually, the mark is registered to a sole proprietorship called Grizzly Cartridge Co. owned by Michael Rintoul, and this is registered only on the Supplemental Register of the United States Patent and Trademark Office ("USPTO"), reflecting the fact that on September 7, 2003, the USPTO examiner determined that the mark was merely descriptive and therefore not registrable on the Principal Register of the USPTO. It remains in that status at the time of this Decision.

The Complainant also claims United States Trademark Registration No. 3997568 for the standard character mark GRIZZLY, registered on July 19, 2011, in International Class 13 for various kinds of ammunition. This mark is registered to the same sole proprietorship, but it is registered on the Principal Register of the USPTO and is therefore enforceable under federal trademark law. The application to register GRIZZLY as a mark was filed on December 23, 2010, claiming first use in commerce on April 1, 2003.

The disputed domain name was created on April 2, 2025, 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.

At the time of this Decision, the disputed domain name does not resolve to an active website. A screenshot from June 2025 shows that the disputed domain name previously resolved to a "Website under construction" landing page hosted by the Registrar.

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[1] 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.

The Complainant observes that the Respondent registered the disputed domain name less than two hours after counsel for the Complainant and a related entity sent the Respondent a cease-and-desist letter by email complaining of the Respondent's registration and use of another domain name, <kodiaksuppressors.com>, which is the subject of a separate UDRP proceeding, *Rintoul Enterprises, LLC v. Evan Wilson*, WIPO Case No. D2025-2193 ("Kodiak Suppressors").

The Response attaches an email that the Respondent sent to the Complainant's principals on June 26, 2025, concerning the disputed domain name:

"If you would like to amend your complaint in WIPO Case No. D2025-2193, the legitimate business purpose for grizzlyammunition.com is to create a homosexual dating site. Within the gay community, the term 'bear' refers to a large hairy gay man. Likewise, a colloquial term for male ejaculate is termed a 'load,' 'rounds,' a 'clip, or 'ammo.' The gay 'bear' community is an underserved demographic deserving of an opportunity to find love.

Hope this helps clear up any confusion."

The Response annexes what appears to be a mock-up of a home page for a website to be associated with the disputed domain name, headed "Grizzly Ammunition", with tabs such as "Meat and Greet", "Shop", and "Contact", beside a photo of three muscular, bearded men under a caption with a double entendre referring to "big bears" and "shooting". Two of the men in the photo are holding hands and wearing shorts, apparently labelled with the first names of the individuals addressed in the Respondent's June 2025 email to the Complainant.

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 GRIZZLY and GRIZZLY CARTRIDGE trademarks. The Complainant also refers to a GRIZZLY AMMUNITION word mark because the word "ammunition" appears on its website in describing GRIZZLY cartridges and in the description of the goods associated with the GRIZZLY and GRIZZLY marks in the trademark registrations. However, the Complainant does not point to any trademark registration for a GRIZZLY AMMUNITION mark and does not expressly claim common law protection for the term or for a corresponding design logo as an unregistered mark.

The Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name, has made no use of it, and is not known by a corresponding name. The Complainant infers that the disputed domain name was registered and held in bad faith, either to capitalize ultimately on the Complainant's reputation by misdirecting consumers of firearms accessories to the Respondent's competing website at "www.kodiaksuppressors.com", as mentioned in the earlier cease-and-desist letter, or by cybersquatting to create "leverage" in the ongoing dispute over the domain name at issue in the Kodiak Suppressors proceeding.

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 denies that the Complainant has obtained trademark rights for the term "grizzly ammunition" or that the disputed domain name is confusingly similar to the Complainant's marks GRIZZLY or GRIZZLY CARTRIDGE, which refer to metallic firearms ammunition.

The Respondent states that the disputed domain name was registered in connection with "planned use for a gay men's social and lifestyle website", referring to LGBTQ+ slang for hairy, bear-like men and their bodily emissions. The Respondent does not offer evidentiary support for these usages, but the Panel notes that they are borne out by certain entries for "grizzly", "bear", and "ammunition" in the online Urban Dictionary.

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.

The Complainant claims rights in respect of a trademark or service mark, the GRIZZLY word mark registered by a sole proprietorship owned by the Complainant's principal Michael Rintoul. WIPO Overview 3.0, section 1.2.1. The Panel accepts this claim by the Complainant, which is not the registered owner of the trademark, based on the commonality of ownership and business interests. These are evident in the record and from a perusal of the Complainant's website, which uses the mark and refers to Mr. Rintoul, and public records available online from the USPTO and the Oregon Secretary of State, as detailed above, which establish Mr. Rintoul's interests in both the Complainant and the registered trademark.

The Complainant has not established trademark rights in a GRIZZLY CARTRIDGE mark for Policy purposes, however, based on its registration on the USPTO Supplemental Register. This does not by itself provide evidence of legal protection as a trademark under national law. WIPO Overview 3.0, section 1.2.2.

The Panel finds the Complainant has not adduced sufficient evidence to established unregistered trademark or service mark rights for the purposes of the Policy for the claimed word marks GRIZZLY CARTRIDGE and GRIZZLY AMMUNITION. WIPO Overview 3.0, section 1.3. The USPTO found that the term "grizzly cartridge" was merely descriptive of an ammunition cartridge load designed to kill grizzly bears, and the record does not include persuasive evidence of sales, marketing, consumer and media recognition associating that term exclusively with the Complainant to establish acquired distinctiveness (or "secondary meaning") since the time of the USPTO determination that the term was merely descriptive. Notably, it does not appear that the Complainant has attempted since then to reapply for registration of the mark on the USPTO Principal Register.

Similarly, while the Complainant has at times headed its website with the words "Grizzly Ammunition", it does so with a circle "R" trademark registration symbol following the word "Grizzly", which appears to refer to the registered GRIZZLY word mark not the expression "Grizzly Ammunition". The website does not include examples of product marketing or labelling of "Grizzly Ammunition", and neither the USPTO filings nor the website descriptions of GRIZZLY branded cartridges as "ammunition" indicate that the Complainant uses the term "grizzly ammunition" in a trademark sense as a source identifier. Cartridges are simply a kind of ammunition used in firearms; these are all dictionary words. The record does not include evidence of sales, marketing, consumer or media recognition of "grizzly ammunition" distinctively associated with the Complainant, and so the record does not establish the Complainant's claim to common law trademark rights.

The entirety of the registered GRIZZLY mark is, however, reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to this mark for the purposes of the Policy. WIPO Overview 3.0, section 1.7.

Although the addition of other terms (here, "ammunition") 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 with respect to the registered GRIZZLY mark.

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 appears to be making a claim of legitimate interests under the Policy, paragraph 4(c)(ii), making preparations to use the disputed domain name in connection with a bona fide offering of goods or services, as the Response describes and attaches a draft home page for a proposed "homosexual dating site" for "hairy" gay men, explaining the relevance of the disputed domain name by reference to slang terms.

Policy paragraph 4(c)(ii) requires use or "demonstrable preparations to use" the disputed domain name in connection with a bona fide commercial offering before the dispute arose. Where no website has yet been published, as is the case here, panels look for legitimate activities in preparation such as these:

"(i) evidence of business formation-related due diligence/legal advice/correspondence, (ii) evidence of credible investment in website development or promotional materials such as advertising, letterhead, or business cards (iii) proof of a genuine (i.e., not pretextual) business plan utilizing the domain name, and credible signs of pursuit of the business plan, (iv) bona fide registration and use of related domain names, and (v) other evidence generally pointing to a lack of indicia of cybersquatting intent. While such indicia are assessed pragmatically in light of the case circumstances, clear contemporaneous evidence of bona fide pre-complaint preparations is required." WIPO Overview 3.0, section 2.2.

Here, the Respondent registered the disputed domain name in the proceeding hours after the Complainant's lawyers emailed the Respondent a cease-and-desist demand concerning another domain name, which is the subject of the Kodiak Suppressors proceeding, so the suspicion naturally arises that the Respondent's stated reasons for registering the disputed domain name are pretextual. The Respondent's proof of "demonstrable preparations" for commercial use is simply a mock-up of a home page for a website that puts the first names of the Complainant's principals or associates on photos of mostly undressed men and uses crude slang terms to describe their sexual activities to promote a planned gay dating site. Along with an email to the Complainant explicitly referring to the complaint in Kodiak Suppressors, this conduct appears to be a taunt and perhaps a threat to use the disputed domain name to embarrass the Complainant, as well as to divert traffic from the Complainant's website, if the Complainant pursues the other UDRP proceeding. The Respondent does not offer a business plan, evidence of preparatory expenditures, or any indication of genuine prior interest in or commitment to the LGBTQ+ community. Thus, it is difficult to see the email and draft web page as anything other than an escalation of the Parties' ongoing dispute rather than a new, bona fide commercial undertaking. It appears more likely to be an attack on the Complainant's GRIZZLY mark and reputation rather than a genuine business proposition based on the (slang) meaning of the words comprising the disputed 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 notes that while the Respondent denied prior awareness of the Complainant in the Kodiak Suppressors proceeding, the Respondent was undeniably aware of the Complainant and the registered GRIZZLY mark when the Respondent registered the disputed domain name the following year, hours after receiving a cease-and-desist demand from the Complainant's counsel by email concerning the domain name at issue in Kodiak Suppressors. The Respondent does not deny prior awareness here, and according to the Response in Kodiak Suppressors, the Respondent had in the previous month discussed with the Complainant transitioning to another name to avoid a conflict in that dispute. Thus, the Panel must conclude that the Respondent registered the disputed domain name in the current proceeding with awareness of the Complainant's GRIZZLY mark, which heads its website and is signaled with a trademark symbol. Thus, the Respondent's intentional diversion of Internet users to another commercial site with a confusingly similar domain name would be deemed bad faith under the Policy, paragraph 4(b)(iv), if the Respondent carried out its plans to attack the Complainant's mark in this fashion. But the Respondent has not yet done so.

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 3.0, section 3.2.1.

Panels also have held that the use of a domain name for illegitimate or illegal activity (here claimed to be an effort to exert "leverage" to dismiss or settle the dispute over the domain name involved in the Kodiak Suppressors UDRP proceeding), also constitutes bad faith. WIPO Overview 3.0, section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the disputed domain name constitutes bad faith under the Policy. The Respondent had actual knowledge of the Complainant's GRIZZLY mark, and the Panel has found the Respondent's claimed legitimate interests in the disputed domain name to be pretextual, as discussed in the preceding section. The Panel finds it probable that the Respondent registered the disputed domain name, created the mock-up of an associated home page, and sent a taunting email to the Complainant describing its planned "gay men's dating website" in an effort to dissuade the Complainant from pursuing its UDRP claim in Kodiak Suppressors and possibly other threatened legal action concerning the Respondent's use of the name "Kodiak Suppressors". The Panel considers that this course of conduct reflects bad faith in the registration and use of the disputed domain name.

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 <grizzlyammunition.com> be transferred to the Complainant.

/W. Scott Blackmer/
W. Scott Blackmer
Sole Panelist
Date: August 13, 2025