ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
M.S.E.O. Holdings LLC v. tyler chesnut, others
Case No. D2025-2968

1. The Parties

The Complainant is M.S.E.O. Holdings LLC, United States of America ("United States"), represented by Wood, Herron & Evans, LLP, United States.

The Respondent is tyler chesnut, others, United States.

2. The Domain Name and Registrar

The disputed domain name <rarebreedtriggerfrt.com> is registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 25, 2025. On July 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 25, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 4, 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 August 4, 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 August 7, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 27, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 2, 2025.

The Center appointed Phillip V. Marano as the sole panelist in this matter on September 11, 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 is an intellectual property holding company for its two exclusive licensees, Rare Breed Triggers, Inc. and Rare Breed Firearms, LLC (collectively referred to herein as the "Complainant"), which manufacture and sell firearms, triggers for firearms, and ancillary goods such as clothing and collectibles. The Complainant offers information about its goods and services on its official websites at the domain names <rarebreedfirearms.com> and <rarebreedtriggers.com>. The Complainant owns a valid and subsisting registration for the RARE BREED FIREARMS trademark in the United States (Reg. No. 5,656,596) in registered on January 15, 2019, with the earliest first use priority dating back to July 27, 2018 (wherein exclusive rights are disclaimed for the term "firearms"). [1]

The Respondent registered the disputed domain name on June 28, 2024. At the time of this Complaint, the disputed domain name resolved to website with content titled "Rare Breed Triggers – Rare Breed Trigger Official Website", which (i) prominently featured a RARE BREED TRIGGERS logo in the same stylization used by the Complainant, (ii) made unauthorized use of the Complainant's photographs of its products; (iii) contained offers to shop for RARE BREED TRIGGERS branded forced reset triggers ("FRT"); and (iv) contained hyperlink solicitations to "click here to join or donate" to the "National Association for Gun Rights". The Respondent's website content listed a physical presence in Wichita Falls, TX, United States, plus email and telephone points of contact in St. George, Utah, United States. At the time this Decision was written, the disputed domain name no longer resolved to any website content.

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 asserts ownership of the RARE BREED FIREARMS trademark and has adduced evidence of trademark registration, dated back to January 15, 2019, with the earliest first use priority on July 27, 2018. The disputed domain name is confusingly similar to the Complainant's RARE BREED FIREARMS trademark, according to the Complainant, because "'Rare Breed' is the dominant portion of this mark" and it "is wholly incorporated into the domain name."

The Complainant further asserts that the Respondent lacks any rights or legitimate interests in the disputed domain name based on: the lack of any relationship with the Complainant; the lack of any evidence that the Respondent is known by the disputed domain name; and the Respondent's use of the disputed domain name in connection with website content that makes unauthorized use of the Complainant's trademarks and copywritten images in an attempt to impersonate the Complainant.

The Complainant argues that the Respondent has registered and used the disputed domain name in bad faith for numerous reasons, including: the arbitrary nature of the Complainant's RARE BREED FIREARMS trademark; the well-known nature of the same trademark in the Complainant's industry; the Respondent's intentional targeting of the Complainant to mimic the Complainant's official website <rarebreedtriggers.com>; and the Respondent's use of the disputed domain name in connection with illegal activity, namely website content that makes unauthorized use of the Complainant's standard character and stylized trademarks and copywritten images in an attempt to impersonate the Complainant.

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[1] The Complainant has also asserted unregistered common law rights to, and secondary meaning for, the RARE BREED TRIGGERS trademark in the United States, claiming earliest first use priority dated back to December 31, 2020. The Complainant has also cited its pending trademark applications for the FRT (in the name of "ABC IP, LLC") and RARE BREED TRIGGERS trademarks in the United States (Ser. Nos. 97/248,519 and 99/210,030 respectively) (wherein exclusive rights are disclaimed for the term "triggers"). However, for the reasons explained below, neither these alleged common law rights nor the cited trademark applications were not necessary for the Panel to reach its decision in this case.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

To succeed in its Complaint, the Complainant must establish in accordance with paragraph 4(a) of the Policy:

i. the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights;
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 in bad faith.

Although the Respondent did not reply to the Complainant's contentions, the burden remains with the Complainant to establish by a balance of probabilities, or a preponderance of the evidence, all three elements of paragraph 4(a) of the Policy. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0"), section 4.3 ("A respondent's default would not by itself mean that the complainant is deemed to have prevailed; a respondent's default is not necessarily an admission that the complainant's claims are true … [UDRP] panels have been prepared to draw certain inferences in light of the particular facts and circumstances of the case e.g., where a particular conclusion is prima facie obvious, where an explanation by the respondent is called for but is not forthcoming, or where no other plausible conclusion is apparent."); *The Vanguard Group, Inc. v. Lorna Kang*, WIPO Case No. D2002-1064 ("The Respondent's default does not automatically result in a decision in favor of the complainant. The Complainant must still prove each of the three elements required by Policy paragraph 4(a)").

A. Identical or Confusingly Similar

Ownership of a nationally or regionally registered trademark serves as prima facie evidence that the Complainant has trademark rights for the purposes of standing to file this Complaint. WIPO Overview 3.0, section 1.2.1. The Complainant submitted evidence that the RARE BREED FIREARMS trademark has been registered in the United States as of January 15, 2019, with the earliest first use priority on July 27, 2018. Thus, the Panel finds that the Complainant's rights in the RARE BREED FIREARMS trademark have been established pursuant to the first element of the Policy. [2]

The only remaining question under the first element of the Policy is whether the disputed domain name is identical or confusingly similar to the Complainant's RARE BREED FIREARMS trademark. In this case, the disputed domain name is confusingly similar to the Complainant's RARE BREED FIREARMS trademark because, disregarding the ".com" generic Top-Level Domain ("gTLD"), the identical dominant element of the mark is wholly reproduced within the disputed domain name, and the RARE BREED FIREARMS trademark is therefore recognizable within the disputed domain name. WIPO Overview 3.0, section 1.7. ("This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the domain name … [I]n cases where a domain name incorporates the entirety of a trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar [...]"). gTLDs, such as ".com" in the disputed domain name, are generally viewed as a standard registration requirement and are disregarded under the first element. WIPO Overview 3.0, section 1.11.

[2] As noted above, the Panel declines to consider the alleged unregistered common law rights or the pending trademark application for the Complainant's RARE BREED TRIGGERS trademark. The Panel concurs with the Complainant that "Rare Breed" is the dominant element of both trademarks, and that the terms "firearms" and "triggers" are respectively disclaimed.

The confusing similarity is not prevented by the addition of the combination with the terms "triggers" or "frt", which is an acronym for the Complainant's "forced reset trigger" products. WIPO Overview, section 1.8 (Additional terms "whether descriptive, geographic, pejorative, meaningless, or otherwise" do not prevent a finding of confusing similarity where the relevant trademark is recognizable within the disputed domain name); see also *AT&T Corp. v. WorldclassMedia.com,* WIPO Case No. D2000-0553 ("Each of the domain names in dispute comprises a portion identical to [the ATT trademark] in which the Complainant has rights, together with a portion comprising a geographic qualifier, which is insufficient to prevent the composite domain name from being confusingly similar to Complainant's [ATT trademark]"); *OSRAM GmbH v. Cong Ty Co Phan Dau Tu Xay Dung Va Cong Nghe Viet Nam*, WIPO Case No. D2017-1583 ("[T]he addition of the letters 'hbg' to the trademark OSRAM does not prevent a finding of confusing similarity between the Disputed Domain Name and the said trademark.").

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. Where, as in this case, the Respondent fails to come forward with any relevant evidence, the Complainant is deemed to have satisfied the second element of the Policy. WIPO Overview, section 2.1.

It is evident that the Respondent, identified by registration data for the disputed domain name as "tyler chesnut, others", is not commonly known by the disputed domain name or the Complainant's RARE BREED FIREARMS trademark.

UDRP panels have categorically held that use of a domain name for illegal activity—including the impersonation of the complainant and other types of fraud—can never confer rights or legitimate interests on a respondent. Circumstantial evidence can support a credible claim made by the Complainant asserting the Respondent is engaged in such illegal activity, including that the Respondent has masked its identity to avoid being contactable, or that the Respondent's website has been suspended by its hosting provider. WIPO Overview 3.0, section 2.13.

Here, the Respondent has used the disputed domain name in connection with website content which (i) prominently featured a RARE BREED TRIGGERS logo in the same stylization used by the Complainant, (ii) made unauthorized use of the Complainant's photographs of its products; (iii) contained offers to shop for RARE BREED branded FRTs; (iv) falsely asserted it was the "Rare Breed Trigger Official Website"; and (v) contained hyperlink solicitations to "click here to join or donate" to the "National Association for Gun Rights". Accordingly, the Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy proscribes the following non-exhaustive circumstances as evidence of bad faith registration and use of the disputed domain name:

i. Circumstances indicating that the Respondent has registered or the Respondent has acquired the disputed domain name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name registration to the Complainant who is the owner of the trademark to a competitor of that Complainant, for valuable consideration in excess of the Respondent's documented out of pocket costs directly related to the disputed domain name; or

ii. the Respondent has registered the disputed domain name in order to prevent the owner of the trademark from reflecting the mark in a corresponding domain name, provided that the Respondent has engaged in a pattern of such conduct; or

iii. the Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor; or

iv. by using the disputed domain name, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website or location or of a product or service on the Respondent's website or location.

Where parties are both located in the United States and the complainant has obtained a federal trademark registration pre-dating a respondent's domain name registration, panels have applied the concept of constructive notice, subject to the strength or distinctiveness of the complainant's trademark, or circumstances that corroborate a respondent's awareness of the complainant's trademark. WIPO Overview 3.0, section 3.2.2. In the Panel's view, when the disputed domain name was registered on June 28, 2024, the Respondent had actual or constructive knowledge of the Complainant's pre-existing rights in its RARE BREED FIREARMS trademark under United States law. See e.g., *Champion Broadcasting System, Inc. v. Nokta Internet Technologies*, WIPO Case No. D2006-0128 (Applying the principle of constructive notice where both parties are located in the United States). Indeed, circumstances in this case corroborate the Respondent's awareness of the Complainant and the Complainant's RARE BREED FIREARMS trademark, including: the Respondent's incorporation of the entire "rare breed" dominant element of the Complainant's RARE BREED FIREARMS trademark in the disputed domain name; the Respondent's addition of terms "trigger" and "frt" to the disputed domain name, which describes a product manufactured and sold by the Complainant; the arbitrary nature of the Complainant's RARE BREED FIREARMS trademark; and the Respondent's use of the disputed domain name in connection with website content that uses the Complainant's trademarks and copywritten photographs to impersonate the Complainant and offer the Complainant's goods in direct competition with the Complainant.

UDRP panels have categorically held that registration and use of a domain name for illegal activity - including impersonation - is manifestly considered evidence of bad faith within paragraph 4(b)(iv) of the Policy. WIPO Overview 3.0, section 3.1.4. Use of the disputed domain name by the Respondent to pretend that it is the Complainant or that it is associated with the Complainant "brings the case within the provisions of paragraph 4(b)(iii) of the Policy, for it shows Respondent registered the domain name primarily for the purpose of disrupting the business of a competitor, namely Complainant." *Graybar Services Inc. v. Graybar Elec, Grayberinc Lawrenge*, WIPO Case No. D2009-1017; see also *GEA Group Aktiengesellschaft v. J. D.*, WIPO Case No. D2014-0357 (concluding that the respondent's use of the disputed domain name to disrupt the complainant's business by using it to impersonate the complainant for commercial gain was evidence of respondent's bad faith registration and use of the disputed domain name). In this case, the Panel finds that the Respondent has engaged in illegal activity having considered the following factors: (i) the Complainant has credibly alleged that the Respondent is not licensed or authorized to sell the Complainant's products, purportedly otherwise; (ii) the Respondent's website content misappropriates the Complainant's logo stylization and copywritten photographs of the Complainant's products, even going so far as to describe this

content as the “Rare Breed Trigger Official Website”; and (iii) the Respondent appears to have masked its identity with a proxy registration service as well as ambiguous contact information, namely “tyler chesnut, others” and inconsistent contact information in Utah, United States versus Texas, United States.

The Panel finds the third element of the Policy has been established.

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 <rarebreedtriggerfrt.com> be transferred to the Complainant.

/Phillip V. Marano/
Phillip V. Marano
Sole Panelist
Date: September 25, 2025