

ADMINISTRATIVE PANEL DECISION

M.S.E.O. Holdings LLC v. Tim Joush
Case No. D2025-2992

1. The Parties

Complainant is M.S.E.O. Holdings LLC, United States of America (“United States” or “U.S.”), represented by Wood, Herron & Evans, LLP, United States.

Respondent is Tim Joush, United States.

2. The Domain Name and Registrar

The disputed domain name <premiumrarebreedtriggers.com> (the “Domain Name”) is registered with Hostinger Operations, UAB (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 26, 2025. On July 28, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On July 29, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Domain Admin, Privacy Protect, LLC) and contact information in the Complaint. The Center sent an email to Complainant on July 29, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on July 29, 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 Respondent of the Complaint, and the proceedings commenced on July 31, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 20, 2025. Respondent sent an email to the Center on July 29, 2025, apparently in response to the Center’s invitation to Complainant to submit an amendment to the Complaint (discussed above). Respondent’s July 29, 2025 email stated in its entirety: “Ok.” The Center informed the Parties about the commencement of panel appointment process on August 21, 2025.

The Center appointed Robert A. Badgley as the sole panelist in this matter on August 26, 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

Complainant manufactures triggers for firearms. Complainant states that it has used the unregistered mark RARE BREED TRIGGERS to identify and distinguish its triggers since “at least as early as December 31, 2020”.

By way of further background, Complainant states that, for a period of time, the federal government had sued Complainant and secured a preliminary injunction against Complainant. Specifically, Complainant asserts:

“From September 2023 until May 2025, Complainant was preliminarily enjoined from selling the goods by the District Court of the Eastern District of New York. In May 2025, the U.S. Department of Justice settled the case with Complainant, determining that the products are lawful and permitting sales to resume. During the entire period when sales were enjoined, Complainant reassured customers that “we’ll be back,” and continued to disseminate information about RARE BREED TRIGGERS on its Rare Breed Firearms Facebook site. While the injunction was in effect, counterfeits of Complainant’s products became widely available, which Complainant addressed in an educational video on the website. The RARE BREED TRIGGERS Mark was never abandoned, and use of the RARE BREED FIREARMS Trademark was never paused.”

According to Complainant, the mark RARE BREED TRIGGERS has achieved secondary meaning in commerce as a source identifier for Complainant’s goods. For example, Complainant asserts, this is “evident from the number of entities targeting the mark by using domain names that are quite similar to the mark, for websites that either impersonate Complainant or at the very least use its trademark and trade dress to sell (or pretend to sell) the same goods”. Annexed to the Complaint are several examples of other businesses using domain names very similar to Complainant’s alleged trademark to host websites selling counterfeit goods or goods closely associated with triggers.

Complainant states that “the marketing of counterfeit RARE BREED TRIGGERS goods has become so problematic that Complainant has had to disseminate a video warning the public about this fraudulent behavior”. The transcript of the video is annexed to the Complaint.

Complainant asserts, by way of further support for its claim that RARE BREED TRIGGERS has achieved secondary meaning as a trademark, that the media coverage surrounding the temporary injunction (discussed above) enhanced the renown of the mark. Annexed to the Complaint is media coverage referring to Complainant and using RARE BREED TRIGGERS to describe Complainant’s products, both in connection with the legal proceedings discussed above and in general.

Complainant filed a trademark application on May 30, 2025 with the United States Patent and Trademark Office (“USPTO”) for the mark RARE BREED TRIGGERS, USPTO Serial No. 99210030, for triggers and firearms, with a claimed date of first use in commerce of December 31, 2020.

In addition, Complainant owns the RARE BREED FIREARMS Trademark, for use in connection with firearms and guns, as well as ancillary goods such as clothing and collectibles. This mark, USPTO Reg. No. 5,656,596, was registered on January 15, 2019.

Complainant owns the domain names <rarebreedtriggers.com> and <rarebreedfirearms.com>, and uses these domain names to host its commercial websites.

The Domain Name was registered on April 12, 2025. The Domain Name resolves to a website featuring Complainant's mark RARE BREED TRIGGERS, presented in the same distinctive font as Complainant uses on its website. Respondent's site also features photos of Complainant's triggers. According to Complainant:

"Respondent uses the Disputed Domain Name to lure customers to its site. Once a customer arrives at the site, they are met with a home page that uses the copycat stylized mark shown above. [...] Respondent's obvious impersonation of Complainant is evidence of Respondent's attempt to attract users to its site for commercial gain at Complainant's expense."

According to Complainant, the "store location" indicated on Respondent's website shows a city in Delaware that does not exist, and a zip code that does not correspond to any location in Delaware.

Complainant also points out two prior UDRP decisions in which Respondent was held to have engaged in bad faith registration and use of a domain name.

Respondent has not denied any of the foregoing allegations or challenged any of the evidence provided by Complainant in support of those allegations.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

B. Respondent

Respondent did not reply to Complainant's contentions, but on August 29, 2025 sent an email communication which stated in its entirety: "Ok."

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used 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 Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, (["WIPO Overview 3.0"](#)), section 1.7.

The Panel finds that Complainant has rights in the unregistered trademark RARE BREED TRIGGERS through use demonstrated in the record. The Panel also finds that the Domain Name is confusingly similar to that mark. The Domain Name incorporates the entire mark and precedes it with the word "premium". Despite this additional word, the Panel finds that Complainant's mark is recognizable within the Domain Name. The Panel also notes that Complainant has provided evidence of registered trademark rights in

RARE BREED FIREARMS, and distinctive elements of this mark are sufficiently recognizable within the Domain Name.

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes that Respondent lacks rights or legitimate interests in respect of the Domain Name. Respondent has not come forward to articulate any bona fide basis for registering the Domain Name, and has not disputed the allegations made by Complainant. The undisputed record here indicates that Respondent has used the Domain Name to host a website obviously designed to impersonate Complainant and deceive customers looking for Complainant's site. Such conduct does not invest Respondent with rights or legitimate interests in the Domain Name.

Complainant has established Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation", are evidence of the registration and use of the Domain Name in "bad faith":

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered the Domain Name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Panel concludes, on the record provided here, that Respondent has registered and used the Domain Name in bad faith. The Panel incorporates its discussion above in the "Rights or Legitimate Interests" section. It is clear that Respondent has sought to impersonate Complainant to sell unauthorized goods or counterfeit goods, in violation of the above-quoted Policy paragraph 4(b)(iv).

In addition, the fact that Respondent has been found in bad faith in two prior UDRP cases supports a finding of a pattern of preclusive registrations within the meaning of the above-quoted Policy paragraph 4(b)(ii).

Complainant has established Policy paragraph 4(a)(iii).

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 Domain Name <premiumrarebreedtriggers.com> be transferred to Complainant.

/Robert A. Badgley/

Robert A. Badgley

Sole Panelist

Date: September 9, 2025