

ADMINISTRATIVE PANEL DECISION

M.S.E.O. Holdings LLC v. david wilson, 46989
Case No. D2025-3062

1. The Parties

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

The Respondent is david wilson, 46989, U.S.

2. The Domain Name and Registrar

The disputed domain name <rarebreedtriggers.info> 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 31, 2025. On August 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 5, and August 7, 2025, the Registrar transmitted by email to the Center its verification responses 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 11, 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 12, 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 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 3, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 5, 2025.

The Center appointed Dennis A. Foster as the sole panelist in this matter on September 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.

4. Factual Background

The Complainant is a Wyoming, U.S. company with a business address in Texas. The Complainant conducts its business through two exclusive licensees: Rare Breed Firearms, LLC, and Rare Breed Triggers, Inc. These entities specialize in triggers that increase the speed of firing for semi-automatic rifles such as the AR-15. A New York federal court injunction prevented the Complainant from selling its triggers from September 2023 to May 2025, but at that point an appellate court decision allowed the Complainant to resume its business.

The Complainant and its products are known to the firearm public in the U.S. The Complainant owns a U.S. trademark for RARE BREED FIREARMS, registration no. 5,656,596, registration date January 15, 2019, in international classes 13 (for firearms, guns); 14 (for, e.g., collectible coins); 25 (for board shorts and other clothing); and 26 (for, e.g., ornamental cloth patches). The Complainant also holds a pending trademark application serial no. 99,210,030 for RARE BREED TRIGGERS, filed on May 30, 2025 in international class 13 (for triggers for firearms), which asserts a first use date of December 31, 2020.

The Complainant's main business websites are at the domain names <rarebreedfirearms.com> and <rarebreedtriggers.com>.

The Respondent is an entity that registered the disputed domain name on May 26, 2025. The Respondent has copied the Complainant's website at the disputed domain name website including the use of a sign that is virtually identical to the Complainant's applied for trademark RARE BREED TRIGGERS, and purports to sell the same firearm trigger products as the Complainant.

5. Parties' Contentions

A. Complainant

- The Complainant owns the U.S. registered trademark RARE BREED FIREARMS for firearms and assorted other goods such as clothing and collectibles. It has been in use since 2017.
- The Complainant also owns common law trademark rights in the mark RARE BREED TRIGGERS. The Complainant has used this mark in commerce since at least as early as December 31, 2020.
- The term "rare breed" is inherently distinctive and qualifies as arbitrary on the Abercrombie Spectrum of Distinctiveness.
- The disputed domain name is identical to the Complainant's RARE BREED TRIGGERS common law trademark.
- The disputed domain name is confusingly similar to the Complainant's RARE BREED FIREARMS trademark because "triggers" and "firearms" are both descriptive if not generic, and the differing generic Top-Level Domains ("gTLDs") are not taken into consideration for identity or confusing similarity analysis under the Policy.
- The Respondent does not have rights or legitimate interests in the disputed domain name because it does not have permission to use the Complainant's trademarks in the disputed domain name, and because it is not making a bona fide offering of goods or services.

- The Respondent is making a bad faith use of the disputed domain name because it copied the Complainant's website to confuse the public about the origin of the goods for sale.

B. Respondent

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

6. Discussion and Findings

Pursuant to Policy paragraphs 4(a)(i) - (iii), the Panel may decide for the Complainant and grant a transfer of the disputed domain name, <rarebreedtriggers.info>, if the Complainant establishes that:

- The disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- The Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- The disputed domain name has been registered and is being used in bad faith.

A. Identical or Confusingly Similar

The Complainant's first burden of proof under Policy paragraph 4(a)(i) is to show that it has trademark rights in the disputed domain name. To this end, the Complainant has annexed a copy of its U.S. trademark RARE BREED FIREARMS whose details the Panel has included in the Factual Background section above. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.2.1. As the Complainant points out, the distinctive part of its trademark is included in the disputed domain name, and the Panel finds the dominant part of the trademark is recognizable in the disputed domain name. [WIPO Overview 3.0](#), section 1.7. As the Complainant also points out and the Panel agrees, the gTLD ".info", is not to be taken into account for the purpose of identity or confusing similarity analysis. [WIPO Overview 3.0](#), section 1.11.

Based on the above analysis, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark RARE BREED FIREARMS, and therefore the Complainant has carried its burden of proof under Policy paragraph 4(a)(i).

N.B.: The Complainant also contends it has common law trademark rights in the term "Rare Breed Triggers", but the Panel finds there is no need to adjudicate whether this has been proved because the Panel is certain the Complainant has trademark rights in the U.S. registered trademark RARE BREED FIREARMS.

B. Rights or Legitimate Interests

The Complainant's second burden of proof, under Policy paragraph 4(a)(ii), is to show that the Respondent does not have rights or legitimate interests in the disputed domain name. It is now well-settled under the Policy that, owing to the difficulty of proving a negative, it is sufficient for the Complainant to make out a prima facie case, and then the burden of production shifts to the Respondent to come forward with evidence to rebut the Complainant's prima facie case. [WIPO Overview 3.0](#), section 2.1.

The Complainant in this proceeding avers that the Respondent does not have a license or permission to use the Complainant's trademark in the disputed domain name. The Panel finds that this constitutes a prima facie case under the Policy. [WIPO Overview 3.0](#), section 2.1. The Respondent is in default in this proceeding, and thus has not come forward with evidence to rebut the Complainant's prima facie case. Nonetheless, the Panel will examine the case record to see whether the Respondent might have rights or legitimate interests in the disputed domain name as allowed under Policy paragraph 4(c)(i), (ii) and (iii).

Under Policy paragraph 4(c)(i), the Respondent can show rights and legitimate interests in the disputed domain name if it can show that, before receiving notice of this dispute, it was using the disputed domain

name to make a bona fide offering of goods or services. But the Respondent instead has used the disputed domain name to copy the Complainant's website and to purport to sell the same firearm products that the Complainant sells. This is a bad faith rather than a good faith offering of goods or services as the Panel will discuss further in the Bad Faith section of this decision below. [WIPO Overview 3.0](#), section 2.13.1. And see *Advance Magazine Publishers Inc., Les Publications Conde Nast, S.A. v. Chunhai Zhang*, WIPO Case No. [D2012-0136](#): "The Respondent was selling counterfeit goods-not a bona fide offering of goods or services." Also *Richemont International S.A. v. brandon gill*, WIPO Case No. [D2013-0037](#): "The Panel concludes that the Domain Name has been employed as a means of improperly diverting Internet customers. In these circumstances, it is difficult to see how Respondent's conduct could be characterized as legitimate and thus permissible."

The Panel also finds the Respondent does not appear to be commonly known by the disputed domain name, and thus cannot claim rights or legitimate interests per Policy paragraph 4(c)(ii). And finally, the Respondent does not appear to have been making a legitimate noncommercial or fair use of the disputed domain name, and thus cannot claim rights or legitimate interests per Policy paragraph 4(c)(iii).

The Panel finds, then, that the Complainant has carried its burden of proof under Policy paragraph 4(a)(ii) to show that the Respondent does not have rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The Policy at paragraph 4(b) sets out four non-exhaustive circumstances under which a respondent may be found to have registered and to be using a disputed domain name in bad faith. In the present case, the Respondent has copied the Complainant's website at the disputed domain name and purports to sell the same goods as the Complainant. In the Panel's view, the very fact that the Respondent copied the Complainant's website shows the Respondent was sure of who the Complainant was and the nature of its business.

The Panel thus finds that the Respondent has violated the Policy bad faith provision at paragraph 4(b)(iv): the Respondent hopes to confuse the public into thinking it is the Complainant and to purport to sell the same products for financial gain.

The Panel finds the Complainant has hereby carried its burden of proof under 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 disputed domain name <rarebreedtriggers.info> be transferred to the Complainant.

/Dennis A. Foster/

Dennis A. Foster

Sole Panelist

Date: September 29, 2025