

## **ADMINISTRATIVE PANEL DECISION**

M.S.E.O. Holdings LLC v. Qwarta Pikin

Case No. D2025-3398

### **1. The Parties**

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

Respondent is Qwarta Pikin, United States.

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

The disputed domain name <rarebreedtriggers.org> (the “Domain Name”) is registered with Shinjiru Technology Sdn Bhd (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 22, 2025. On August 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 26, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on August 26, 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 August 26, 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 September 1, 2025. In accordance with the Rules, paragraph 5, the due date for the Response was September 21, 2025. Respondent sent an email communication to the Center on August 26, 2025, but did not submit a formal response. The Center notified the Parties of the Commencement of Panel Appointment on September 23, 2025.

The Center appointed John C McElwaine as the sole panelist in this matter on October 5, 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 is a Wyoming limited liability company in the firearms industry. Through its exclusive licensees, Rare Breed Triggers, Inc. and Rare Breed Firearms, LLC, Complainant produces and markets specialized firearm trigger devices and related products in the United States. Complainant owns and relies on trademark rights in the trademarks RARE BREED TRIGGERS and RARE BREED FIREARMS. Notably, Complainant owns United States trademark registration for RARE BREED FIREARMS – United States Trademark Registration No. 5,656,596, registered January 15, 2019, in International Class 13 (firearms; guns) as well as classes 14, 25, and 26.

In addition, Complainant has provided evidence of unregistered trademark rights in RARE BREED TRIGGERS for triggers for firearms. Complainant, through its licensee Rare Breed Triggers, Inc., has used the RARE BREED TRIGGERS mark in United States commerce since at least as early as December 31, 2020. Complainant's unregistered trademark rights in the RARE BREED TRIGGERS trademark are referred to as the "RARE BREED TRIGGERS Mark". Moreover, Complainant owns the domain name <rarebreedtriggers.com>, registered on April 29, 2020.

Respondent registered the Domain Name <rarebreedtriggers.org> on August 15, 2024. The Domain Name has been used to host a website that prominently features Complainant's RARE BREED TRIGGERS branding and purportedly offers Complainant's products for sale without authorization.

#### **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.

With respect to the first element of the Policy, Complainant contends that the Domain Name <rarebreedtriggers.org> is identical or confusingly similar to Complainant's trademarks. Complainant points out that the Domain Name incorporates Complainant's RARE BREED TRIGGERS Mark in its entirety, without any addition or alteration. Complainant notes that the only difference – the inclusion of the ".org" generic Top-Level Domain ("gTLD") – is a technical necessity that does not distinguish the Domain Name from the trademark. Complainant also submits that the Domain Name is confusingly similar to Complainant's RARE BREED FIREARMS mark, as it contains the distinctive phrase "rare breed".

With respect to the second element of the Policy, Complainant argues that Respondent has no rights or legitimate interests in respect of the Domain Name. Complainant asserts it has never licensed or authorized Respondent to use the RARE BREED TRIGGERS or RARE BREED FIREARMS trademarks, nor to register any domain name incorporating those marks. Respondent is not affiliated with Complainant in any way. Complainant states that, to its knowledge, Respondent is not commonly known by the name "Rare Breed Triggers" or any similar term. Furthermore, Complainant alleges that Respondent has used the Domain Name for a fraudulent website that impersonates Complainant and presumably attempts to dupe customers into purchasing products under false pretenses. Such use, Complainant contends, is the opposite of a legitimate or fair use.

With respect to the third element of the Policy, Complainant contends that the Domain Name was registered and is being used in bad faith. Complainant asserts that its RARE BREED TRIGGERS Mark is distinctive and, by the time Respondent registered the Domain Name in August 2024, had become closely associated with Complainant's products. Complainant highlights that Respondent registered an identical domain name (simply changing the gTLD to ".org") long after Complainant's RARE BREED TRIGGERS Mark was in use, which strongly implies that Respondent knew of Complainant and targeted its brand. According to Complainant, Respondent's website blatantly impersonates Complainant, copying the look and feel of the official Rare Breed website and misleading consumers into believing they are dealing with Complainant. Complainant submits that this conduct constitutes bad faith under the Policy.

## **B. Respondent**

Respondent did not submit a formal Response to Complainant's contentions. Respondent's only communication was an email to the Center on August 26, 2025, which did not address the merits of the case.

## **6. Discussion and Findings**

Even though Respondent did not submit a formal Response, paragraph 4 of the Policy requires that, in order to succeed in this UDRP proceeding, Complainant must still prove its assertions with evidence demonstrating:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (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.

Because of Respondent's failure to submit a formal Response, the Panel may accept as true the reasonable factual allegations stated within the Complaint and may draw appropriate inferences therefrom. See *St. Tropez Acquisition Co. Limited v. AnonymousSpeech LLC and Global House Inc.*, WIPO Case No. [D2009-1779](#); *Bjorn Kassoe Andersen v. Direction International*, WIPO Case No. [D2007-0605](#); see also paragraph 5(f) of the Rules ("If a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint"). Having considered the Complaint, the Policy, the Rules, the Supplemental Rules, and applicable principles of law, the Panel's findings on each of the above-cited elements are as follows.

### **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 Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Complainant provided evidence of a trademark registration for the RARE BREED FIRARRMS in the United States. Likewise, Complainant has demonstrated use of its RARE BREED TRIGGERS Mark since 2020. Complainant also provided evidence that Respondent must have intentionally targeted Complainant by engaging in a scheme to attempt to have Complainant's customers make payments to Respondent. See [WIPO Overview 3.0](#), section 1.3 ("The fact that a respondent is shown to have been targeting the complainant's mark (e.g., based on the manner in which the related website is used) may support the complainant's assertion that its mark has achieved significance as a source identifier.") In light of Complainant's use and this intentional targeting of Complainant's name and reputation by Respondent, the

Panel finds that Complainant has sufficiently established unregistered trademark rights in the RARE BREED TRIGGERS Mark.

The Domain Name is identical to the RARE BREED TRIGGERS Mark, except for the gTLD “.org”. Accordingly, the Domain Name is identical to Complainant’s mark in which it has rights for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.11. The Panel also finds the Domain Name confusingly similar to the registered RARE BREED FIREARMS 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 that a respondent can demonstrate rights or legitimate interests in a domain name by, inter alia, showing one of the following circumstances: (i) before any notice of the dispute, the respondent used or prepared to use the domain name in connection with a bona fide offering of goods or services; or (ii) the respondent has been commonly known by the domain name; or (iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent to mislead consumers or tarnish the trademark at issue.

Although the overall burden of proof rests with the complainant, UDRP panels recognize that it may be difficult for a complainant to prove a negative (i.e., the absence of rights or legitimate interests on the respondent’s part). Accordingly, where a complainant makes a prima facie showing that the respondent lacks any rights or legitimate interests in the domain name, the burden of production shifts to the respondent to come forward with evidence of some right or legitimate interest. See [WIPO Overview 3.0](#), section 2.1. If the respondent fails to do so, the complainant is deemed to have satisfied the second element.

In this case, Complainant has made a prima facie case that Respondent has no rights or legitimate interests in the Domain Name. Complainant asserts that it has not authorized Respondent to use its trademarks in any manner, nor to register a domain name incorporating the RARE BREED TRIGGERS Mark. There is no evidence that the Domain Name corresponds to Respondent’s name or that Respondent is commonly known by that name. Respondent did not submit any evidence or argument to suggest otherwise. Indeed, Respondent has not claimed to have any rights or legitimate interests in the Domain Name.

On the contrary, the evidence before the Panel indicates that Respondent is using the Domain Name in an illegitimate manner; namely, to impersonate Complainant and facilitate fraudulent activity. The website at the Domain Name is not a genuine independent business or a fan site or anything that could be considered a legitimate use; Respondent is falsely trading on Complainant’s identity, thus misleading Internet users for commercial gain. UDRP panels have categorically held that the use of a domain name for illegal or deceptive activity – such as phishing, impersonation, or selling counterfeit goods – can never confer rights or legitimate interests on a respondent. See [WIPO Overview 3.0](#), section 2.13.1.

In addition, it is not necessary for the Panel to make any ultimate determination as to the nature of the goods for sale by Respondent, as the evidence clearly shows Respondent has attempted to pass itself off as Complainant. The Panel notes that the composition of the Domain Name, which identically incorporates Complainant’s trademark (with no additional words), strongly suggests a connection to Complainant or, at the very least, the risk of affiliation with Complainant. Furthermore, the use of the inherently misleading Domain Name to divert Internet traffic to a webpage impersonating Complainant is not a bona fide offering of goods or services. See *Chicago Mercantile Exchange Inc., CME Group Inc. v. Registration Private, Domains By Proxy, LLC, DomainsByProxy.com / Nikolay Korobeynikov*, WIPO Case No. [D2016-0654](#) (finding no legitimate interests in a website resolving from the disputed domain name, which mirrored, and purported to be, the website of “CME Group” and which provided information relating to the trading of futures and options). Panels have consistently held that impersonation of a complainant or its business through a domain name and associated website negates any claim to rights or legitimate interests. See *On AG, On Clouds GmbH v. Nguyen Luu, Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf, Vuong Hoang, AN NGUYEN, NEO CORP., and Ngoc Tam Nguyen*, WIPO Case

No. [D2021-1714](#) (“a [disputed domain name’s] use cannot be deemed bona fide if the disputed domain names constitute trademark infringement”). Even if the products sold on the website are genuine, there is no disclosure of Respondent’s lack of relationship with Complainant on the website, and thus, the Oki Data test cannot be met. See *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

By passing itself off as Complainant in order to dupe consumers, Respondent plainly is not engaged in any bona fide offering of goods or services, nor in a legitimate noncommercial or fair use of the Domain Name.

Respondent, having failed to submit a formal Response, has provided no rebuttal to Complainant’s prima facie case and no explanation for its selection of the Domain Name. There is nothing in the record that would support any of the circumstances outlined in paragraph 4(c) of the Policy or any other potential right or legitimate interest in the Domain Name on the part of Respondent. Therefore, the Panel finds that Complainant has proven that Respondent has no rights or legitimate interests in the Domain Name.

The Panel finds that the second element of the Policy is satisfied.

### **C. Registered and Used in Bad Faith**

Under paragraph 4(a)(iii) of the Policy, Complainant must show that the Domain Name was registered and is being used in bad faith. Paragraph 4(b) of the Policy provides a non-exhaustive list of circumstances that, if found by the Panel, shall be evidence of bad faith registration and use. One illustrative circumstance is when a respondent, by using the domain name, has intentionally attempted to attract Internet users to its website, for commercial gain, 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 of a product or service on that site (Policy paragraph 4(b)(iv)). While the Policy sets out these and other examples, a finding of bad faith is not limited to the listed scenarios; panels may conclude bad faith based on the totality of the circumstances. See [WIPO Overview 3.0](#), section 3.2.1.

In the present case, the Panel finds clear evidence of Respondent’s bad faith in both the registration and use of the Domain Name. The nature of the Domain Name itself, coupled with the use to which it has been put, leaves little doubt that Respondent’s actions fall firmly within the scope of paragraph 4(b)(iv).

First, regarding registration, it is implausible that Respondent randomly or innocently chose the exact name “rarebreedtriggers” with the gTLD “.org” for its Domain Name. Complainant’s RARE BREED TRIGGERS Mark is a unique combination of words and had been used in commerce for several years before the Domain Name’s registration. Complainant’s official “www.rarebreedtriggers.com” website was operational before and throughout the registration of the Domain Name, even if sales were temporarily suspended due to legal proceeding. Moreover, Complainant received nationwide media attention prior to the registration of the Domain Name. The registration timing and exact match composition strongly suggest that Respondent had Complainant in mind and deliberately targeted Complainant’s trademarks when registering the Domain Name. Respondent’s use of a privacy service to mask its identity at the time of registration may also be viewed as a factor supporting an inference of bad faith in these circumstances. Moreover, Respondent’s subsequent conduct dispels any doubt about any potential good faith intentions.

Turning to use, the Domain Name is a fraudulent impersonation of Complainant. The evidence shows that the website copies Complainant’s trademarks, trade name, and even aspects of Complainant’s web content/trade dress in order to mislead visitors into believing it is an official website of the Complainant. Customers are induced to place orders and make payments on this fraudulent website. The evidence showed that consumers are requested to send additional money for warehousing and shipping fees, and by all indications, those orders are not fulfilled, meaning Respondent is purportedly scamming customers and tarnishing Complainant’s reputation in the process. This behavior falls squarely within bad faith under Policy paragraph 4(b)(iv). Respondent is clearly attempting to attract Internet users for commercial gain by creating confusion as to the site’s affiliation with Complainant. The Panel concludes that the likelihood of confusion is almost certain, given that the Domain Name exactly matches Complainant’s trademark and domain name, and the site is designed to be indistinguishable from Complainant’s website.

Multiple UDRP panels have found that where a domain name is used to host a website impersonating the complainant and engaging in fraudulent activity, the requirements of bad faith registration and use are amply satisfied. See *Tiger Media Inc. v. Omar Andres Quinto De La Cruz*, WIPO Case No. [D2025-1799](#) (finding bad faith where the respondent operated a website at <juicyads.blog> that mimicked the complainant's advertising platform and solicited payments under false pretenses, noting that "such blatant impersonation and fraud" demonstrated the respondent's bad faith); see also [WIPO Overview 3.0](#), section 3.4 (noting that the use of a domain name for per se illegitimate purposes such as phishing or other impersonation schemes is manifestly considered evidence of bad faith).

In the Panel's view, Respondent's conduct in this case is in bad faith. Respondent registered the Domain Name precisely because it corresponds to Complainant's trademark, with the intention of exploiting Complainant's brand value. The ongoing use of the Domain Name to perpetrate an imposter scam confirms that Respondent's bad faith motivation has been present from the beginning and continues. Thus, the Panel holds that Complainant has met its burden of providing sufficient evidence that Respondent registered and is using the Domain Names in bad faith under paragraph 4(b)(iv) of the Policy.

For the reasons set forth above, the Panel holds that Complainant has met its burden under paragraph 4(a)(iii) of the Policy and has established that Respondent registered and is using the Domain Name in bad faith.

## **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 <rarebreedtriggers.org> be transferred to Complainant.

*/John C. McElwaine/*

**John C. McElwaine**

Sole Panelist

Date: October 19, 2025