

ADMINISTRATIVE PANEL DECISION

SAGE Development Authority v. Peter Little Horn
Case No. D2025-3791

1. The Parties

The Complainant is SAGE Development Authority, United States of America (or “United States”), represented by Dentons US LLP, United States of America.

The Respondent is Peter Little Horn, United States of America.

2. The Domain Name and Registrar

The disputed domain name <sagesrst.org> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 17, 2025. On September 18, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 18, 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 (Registration Private, Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 19, 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 September 19, 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 September 24, 2025. In accordance with the Rules,

paragraph 5, the due date for Response was October 14, 2025. The Respondent did not submit any response.¹ Accordingly, the Center notified the Respondent's default on October 15, 2025.

The Center appointed David H. Bernstein as the sole panelist in this matter on October 22, 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, the SAGE Development Authority ("SAGE"), was created by the Standing Rock Sioux Tribe ("the Tribe") as a federally chartered corporation under Section 17 of the Indian Reorganization Act of 1934. The Complainant controls and operates all the energy assets for the Tribe within the reservation. The Tribe created the Complainant to ensure energy independence, protect the environment, and promote economic growth. The Complainant handles the Tribe's involvement in renewable energy projects and facilitates agreements with third parties.

The Respondent, Peter Little Horn, was the Communications Director at SAGE until his resignation on July 18, 2024. In his duties as Communications Director, the Respondent purchased, launched, and operated the disputed domain name. The Respondent purchased the disputed domain name under his own name on December 6, 2022, and using his own credit card, with the expectation that he would be reimbursed.

Upon resignation, the Respondent refused to relinquish the disputed domain name to the Complainant. On July 21, 2024, the Respondent emailed the Complainant's Chief Executive Officer, stating that, unless the Respondent received "full back pay, pto, reimbursement from my last trip, and the two-week notice payout you accepted by July 25," he would "remove the current website and publish all the text messages and voice recordings" he had the following day.

The Complainant has attached a complaint it filed against the Respondent in the Standing Rock Sioux Tribal Court. The complaint alleges counts of fraud and misrepresentation, conversion, and tortious interference with business relations, based on, inter alia, refusing to return the disputed domain name.

5. Parties' Contentions

A. Complainant

The Complainant alleges that it owns common law trademark rights in both the SAGE mark and the SRST mark, and that the two marks, both separately and together, are distinctively associated with SAGE and the Tribe. It alleges that the Tribe commonly abbreviates and represents itself to the public as SRST. The Complainant alleges that it has spent hundreds of thousands of dollars in advertising and promoting services under the SAGE mark throughout the United States, specifically North and South Dakota, and that SAGE has raised hundreds of thousands of dollars to support its mission under the SAGE mark. For example, the

¹ Given the absence of a Response, the Panel has carefully reviewed the record to ensure that the Respondent received the opportunity for fair notice of this proceeding. See *Nicole Kidman v. John Zuccarini, d/b/a Cupcake Party*, WIPO Case No. [D2000-1415](#). The Center sent notification of the Complaint to the Respondent by email, courier, and through a contact form available at the disputed domain name. Although one of the emails bounced back as being undeliverable, other emails sent to the email addresses provided by the Registrar for the Respondent appear to have been received. The Written Notice sent by courier was also delivered to the address provided by the Registrar. It thus appears that the Respondent received actual notice of the Complaint by email and courier. Even if Respondent did not receive actual notice, the Panel finds that the Center has discharged its obligation to provide fair notice to the Respondent as required by the Rules, paragraph 2(a).

Complainant initiated a campaign in 2020 for the SAGE 'Anpetu Wi' Wind Farm Project, which raised nearly USD 500,000.

The Complainant alleges that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent registered the disputed domain name as an agent of the Complainant, and the Complainant did not grant any rights to the Respondent in or to the SAGE Mark, the SRST mark, or the disputed domain name.

The Complainant claims that the Respondent is using the disputed domain name in bad faith by refusing to relinquish the disputed domain name upon the Respondent's resignation. Additionally, the Complainant asserts that the Respondent acted in bad faith by threatening that he would delete the disputed domain name if he was not paid. The Complainant also asserts that the Respondent used the website to misrepresent himself to members of the public and possibly divert donations intended for SAGE and to the benefit of the Tribe. Finally, the Complainant asserts that the Respondent was aware of the Complainant's SAGE marks when initially registering the disputed domain.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has established that the disputed domain name is confusingly similar to its SAGE trademark. Although the Complainant has not registered the SAGE mark, the Complainant has established common law trademark rights in the mark.

The trademark SAGE is inherently distinctive for the provision of energy services, and the Complainant has shown that it has used that mark in commerce. The Complainant has used the SAGE mark since 2020 and spent hundreds of thousands of dollars in advertising its services offered under the mark. These factors establish common law trademark rights in the SAGE mark. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") section 1.3.

It is less clear whether the Complainant has rights in the SRST mark (which is an abbreviation for Standing Rock Sioux Tribe). The allegations regarding the use of that abbreviation as a trademark in commerce are thin; further, there is no explanation of whether the Complainant or the Tribe owns that alleged mark, and, if the Tribe, whether the Complainant is using it under license. The Panel need not resolve this issue because the disputed domain incorporates the entirety of the SAGE mark and is recognizable in the disputed 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 to that mark for purposes of UDRP standing." [WIPO Overview 3.0](#) section 1.7.

The Complainant has satisfied the first element.

B. Rights or Legitimate Interests

The Respondent has no rights or legitimate interests in respect of the disputed domain name.

Although the Complainant authorized the Respondent to register the disputed domain name in 2022 when he was serving as the Complainant's employee and agent, the Respondent no longer works for the Complainant and no longer has any permission to maintain and use the disputed domain name. The Respondent's status as a former employee does not give the Respondent any current rights or legitimate interests in the disputed

domain name. See, e.g., *The Glorja Kaufman Dance Foundation v. Carolyn B. Baker & Assoc.*, WIPO Case No. [D2010-0034](#) (“Respondent’s registration or acquisition of the Domain Names as a former employee or contractor of Complainant does not demonstrate any right to or legitimate interest in the Domain Names.”); *Ruby’s Diner, Inc. v. Joseph W. Popow*, WIPO Case No. [D2001-0868](#) (“[A]n employee or former employee is not a licensee, and thus has no authorization to use a company’s trademark or a confusingly similar variation thereof without permission.”).

Based on the un rebutted allegations of the Complainant, it appears that the Respondent is holding on to the disputed domain name as leverage in his severance negotiations. “Holding a domain name as ransom or leverage is not a legitimate interest.” *Central Coast Evaluation Services v. Michael Aponte*, WIPO Case No. [D2025-2213](#) (citing *Pitchtime, Inc. v. Constantine Zamiesov (a/k/a Kostiantyn Zamiesov, a/k/a Konstantine Zamiesov)*, *Cruxlab, Inc.*, WIPO Case No. [D2019-0511](#) (“Simply put, [r]espondent’s use of the disputed domain names to secure the payment of an alleged debt does not support a finding that [r]espondent has rights or legitimate interests in the disputed domain names.”); *Kiko Technology Limited v. Robert Gibellini*, WIPO Case No. [D2018-1814](#) (respondent lacked any right or legitimate interest in the disputed domain name where respondent transferred the disputed domain name to his own name and held it as leverage in a financial dispute)).

The Complainant has satisfied the second element.

C. Registered and Used in Bad Faith

As this Panel noted nearly a quarter century ago, the Policy does not establish a general domain name court, and the Policy is not designed to adjudicate all disputes of any kind that relate in any way to domain names. *TheThread.com, LLC v. Jeffrey S. Poploff*, WIPO Case No. [D2000-1470](#). This principle frequently is invoked in business disputes where former partners or employees battle over domain names that were registered at a time of harmony, but are now pawns in the parties’ disharmony. Frequently, such cases have to be resolved in the courts because the disputes do not fit within the framework of the UDRP. There are times, though, when such disputes can be resolved through the UDRP. Cybersquatting occurs in different contexts, and it can occur by an employee as well, e.g., in a business, HR, or other type of dispute. The key question in these cases is whether the conduct at issue constitutes cybersquatting, with reference to the three elements of the UDRP, or whether it must instead be resolved by reference to contract, employment, tort, property or some other law. *Central Coast Evaluation Services*, WIPO Case No. [D2025-2213](#).

Here, the Complainant has established clearly that the Respondent is acting in bad faith. The Respondent is holding the disputed domain name hostage and has demanded payment for its safe return. Such conduct constitutes bad faith use of the disputed domain name. See, e.g., *The Glorja Kaufman Dance Foundation v. Carolyn B. Baker & Assoc.*, WIPO Case No. [D2010-0034](#) (“Respondent’s use of the [d]omain [n]ames as leverage for the purpose of extracting a favorable business arrangement from [c]omplainant is also evidence of bad faith under prior UDRP decisions.”). He has also threatened to “remove the current website” if he is not paid. See *id.* (finding bad faith where former employee “threatened to take various actions regarding Complainant’s website if the invoices were not paid”).

That, however, is not enough. The Policy also requires a showing of bad registration. In other words, the Complainant must show that, when the Respondent registered the disputed domain name in his own name rather than in the name of the business, he did so in bad faith **at that time**, with the intent to take advantage of the Complainant’s trademark rights at some point in the future. See, e.g., *Blemain Group v. Stuart Frost*, WIPO Case No. [D2006-0871](#) (the key inquiry in determining bad faith registration under the Policy should be: “is it more likely than not that the [r]espondent registered the [d]omain [n]ames in his own name . . . with a view at some time in the future to disadvantaging the [c]omplainant or with a view to unfairly exploiting the situation in some other way to his own advantage?”; and finding on the facts of that case that the respondent likely had, at the time of registration, an “ulterior motive inconsistent with his duty of good faith to his employer, the [c]omplainant”).

As questionable as the Respondent's current conduct is, the Complainant has failed to show that the Respondent acted in bad faith in 2022 when he registered the disputed domain name. To the contrary, the allegations of the Complainant imply that the Complainant authorized the Respondent to register the disputed domain name in his own name; at minimum, the Complainant has failed to show by a preponderance of the evidence that the Respondent was instructed (or expected) to register the disputed domain name in the Complainant's name, or that the Respondent otherwise acted in bad faith at the time of registration. Although the Complainant may have expected that the Respondent would turn the registration over to the Complainant, the Complainant has not produced evidence (or even allegations) that supports a finding that the Complainant expressed that intention at the time the Respondent registered the disputed domain name.

- The Complainant acknowledges that, "[d]uring his employment, the Respondent was instructed and given the authority to launch and operate the Complainant's website under the Domain Name on the Complainant's behalf."
- The Complainant also states that "the Respondent initially registered the Domain Name under authority granted to him by the Complainant. He registered the Domain Name under his own name, and paid the necessary fees with his own credit card under the expectation that he would be reimbursed, which he subsequently was."
- The supporting declaration of Joseph McNeil states that the Complainant instructed the Respondent to "launch and operate SAGE's website under the Domain Name on SAGE's behalf. Little Horn purchased the Domain Name using his own credit card because, at the time, SAGE had a reimbursement system in place for organization expenses. Little Horn placed the registration under his own name."²

Indeed, the Complainant appears to recognize that the disputed domain name was not registered in bad faith. It concedes that its Complaint is "atypical," and the Complainant relies on several cases where panels found bad faith despite the fact that the Respondent did not register the domain in bad faith. Those cases, including *Ville de Paris v. Jeff Walter*, WIPO Case No. [D2009-1278](#) and *Jappy GmbH v. Satoshi Shimoshita*, WIPO Case No. [D2010-1001](#), followed a series of cases that explored the possibility of finding bad faith, even in the absence of bad faith registration, by characterizing the respondent's conduct as supporting a finding of retroactive bad faith. *City Views Limited v. Moniker Privacy Services / Xander, Jeduyu, ALGEBRALIVE*, WIPO Case No. [D2009-0643](#); *Phillip Securities Pte Ltd v. Yue Hoong Leong*, ADNDRC Decision DE-0900226; *Octogen Pharmacal Company, Inc. v. Domains By Proxy, Inc. / Rich Sanders and Octogen e-Solutions*, WIPO Case No. [D2009-0786](#) (holding that, because paragraph 2 of the Policy requires a registrant to represent that she "will not knowingly use the domain name in violation of any applicable laws or regulations . . . now or in the future," future bad faith use can turn retroactively good faith registration into bad faith registration).

Whatever interpretations of the Policy were considered in those cases, they do not reflect the modern interpretation of the UDRP, as clearly reflected in the consensus view articulated in the [WIPO Overview 3.0](#). [WIPO Overview 3.0](#) section 3.2.1 ("[T]his particular concept [of retroactive bad faith] has not been followed in subsequent cases."). Rather, the Policy plainly requires that **both** parts of the conjunctive requirement – bad faith registration **and** bad faith use – be independently established. See, e.g., *Workman Publishing Co., Inc.*,

² The Complainant also submitted a copy of the complaint that it filed against the Respondent in the Standing Rock Sioux Tribal Court in October 2024. The Panel notes that, in the Tribal Court complaint, the Complainant states that "Mr. Little Horn purchased SAGE's website through GoDaddy without permission." That statement is contradicted by the statements in the UDRP Complaint, which were made more recently, and which were certified as being "complete and accurate." Moreover, the status of the Tribal Court action is unknown. To the extent there is any uncertainty created by the contradictory allegations in the certified UDRP Complaint and the unverified Tribal Court complaint, that uncertainty is insufficient to undermine the Panel's finding, based on the limited record submitted in this proceeding, that the Complainant has failed to show that the Respondent was not authorized to register the disputed domain name in his own name, especially given that the burden of proof is on the Complainant to prove that Respondent registered the disputed domain name in bad faith.

Patricia Schultz v. MareBerg Consulting, WIPO Case No. [D2011-0219](#) (“Although a minority of recent decisions have challenged the consensus view and have treated ‘registration and use in bad faith’ as a ‘unitary concept,’ WIPO Overview 2.0, paragraph 3.1, that position has not achieved consensus and . . . the Panel is unwilling to adopt a position that would eradicate what is a clearly conjunctive requirement by collapsing ‘registration’ and ‘use.’ Thus, to succeed, Complainants must establish both bad faith registration and bad faith use.”).

All of this is not to say that the Respondent is blameless or that the Panel condones his actions. To the contrary, the Complainant has established that the Respondent has acted and continues to act in bad faith by refusing to turn over the disputed domain name and by holding the disputed domain name hostage in his negotiations with the Complainant. Nor is the Complainant without recourse, as it appears that the Complainant is seeking the same relief it seeks here from the Tribal Court.³ Because the Respondent’s misconduct does not align with the strict framework of the UDRP, the Complainant will need to pursue its claims in that other forum.

7. Decision

For the foregoing reasons, the Complaint is denied.

/David H. Bernstein/

David H. Bernstein

Sole Panelist

Date: November 5, 2025

³ The Panel considered whether to suspend or terminate this proceeding under paragraph 18 of the Rules given the initiation of Tribal Court matter. In that matter, the Complainant seeks, as part of its relief, the same relief it seeks here – to obtain ownership of the disputed domain name. The Panel has elected to proceed to decision here given the Complainant’s decision to file this proceeding notwithstanding the earlier proceeding, and because the Panel is not aware of the current status of the Tribal Court matter.