

ADMINISTRATIVE PANEL DECISION

Real America Marketing Company v. Adam Robert
Case No. D2026-2368

1. The Parties

The Complainant is Real America Marketing Company d/b/a Rocky Mountain International, United States of America ("United States"), represented by The Salisbury Firm, P.C., United States.

The Respondent is Adam Robert, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <rmi-realamerica.com> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 2, 2026. On June 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 2, 2026, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on June 3, 2026, 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 June 3, 2026.

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 June 5, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 25, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on June 29, 2026.

The Center appointed John Swinson as the sole panelist in this matter on July 3, 2026. 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 destination marketing company founded in 1990 and is based in Cheyenne, Wyoming, United States. The Complainant offers a multitude of services to businesses throughout the travel industry. The Complainant creates, designs and develops branding and marketing campaigns and generates tourism interest with the purpose of generating and developing travel and tourism interest in services and destinations offered by the Complainant's clientele.

Historically, the Complainant organized its corporate structure in Wyoming in 1990 under the registered corporate name of "Rocky Mountain International Corporation". In 1997, "Rocky Mountain International Corporation" changed its registered corporate name to its current name "Real America Marketing Company".

The Complainant states that the Complainant has operated its business as "Rocky Mountain International" since 1997, using that term as the operational brand and name for its business activities.

The Respondent did not file a Response, so little information is known about the Respondent. According to the Registrar's records, the Respondent has an email address at the domain name <digitaldomainsmarketing.com>.

The disputed domain name was registered on April 10, 1998.

At the time of filing the Complaint, the website at the disputed domain name included a heading "Rocky Mountain International", a section with news and updates from 2016 and 2017, a section that starts "Thank you for your interest in Rocky Mountain International" and an address in Cheyenne, Wyoming (the city where the Complainant is headquartered) and the Complainant's telephone number. The web page for "Our Team" contained photos and biographical information for current officers and employees of the Complainant as well as past employees of the Complainant. On several pages of the website at the disputed domain name were links to various online casinos.

According to the Google search engine viewed at the time of this Decision, the website at the disputed domain name was indexed more than 10 years ago and had the following content summary: "RMI specializes in international tourism marketing and PR for the Western United States. Globally headquartered in Cheyenne, Wyo."

At the present time, the disputed domain name resolves to a website that has a log-in box with fields for entry of a user name and password. There is no other content on this page.

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.

In summary, the Complainant makes the following submissions.

The Complainant has common law rights in the name "Rocky Mountain International" and uses the corporate name "Real America Marketing Company". The Complainant has consistently used the mark "Rocky Mountain International" in commerce since 1997 as the operational brand for its business activities.

The Complainant obtained Wyoming State trademark registration for “Rocky Mountain International” in 1997 (with filing ID of 1997-000328592) which expired in 2007.

The Complainant states that the disputed domain name was originally established by the Complainant on or about April 10, 1998 and was utilized by the Complainant through April 9, 2022, at which time the Complainant rebranded and registered and began using a new domain name <rmimarketing.com> to promote its business activities.

The Respondent is utilizing personal and outdated content from the Complainant’s former website at an expired domain name (being the disputed domain name) abandoned by the Complainant to generate traffic to the disputed domain name for the express purpose of promoting and directing potential clients of the Complainant to malicious Internet materials.

Further, the Respondent continues to utilize the names, images and likenesses of the Complainant’s officers, directors, and employees for such purposes in an apparent attempt, and with the intent, of confusing the consuming public and potential clients that the services offered on the website at the disputed domain name are sanctioned or endorsed by the Complainant.

Due to the Complainant’s established presence, Internet search engines rank the disputed domain name high in result listing when a search is made for the Complainant’s commonly-known (in the industry) name of “Rocky Mountain International”.

B. Respondent

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

6. Discussion and Findings

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 the Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions (“[WIPO Overview 3.1](#)”), section 1.7.

The Panel finds the Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.3.

The Complainant has provided evidence that shows long term use of “Rocky Mountain International” sufficient to demonstrate unregistered trademark or service mark rights for the purposes of the Policy. Further, the Complainant owned and used the disputed domain name for over 20 years, demonstrating use and reputation in “rmi-realamerica”, incorporating the acronym “rmi” as an abbreviation for “Rocky Mountain International”.

The Panel finds the mark “Rocky Mountain International” is recognizable within the disputed domain name due to the use of the abbreviation “rmi” in combination with core elements of the Complainant’s corporate name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

The Respondent registered and is using the disputed domain name to impersonate the Complainant and to generate website traffic looking for the Complainant, as discussed below. This also supports the Complainant’s reputation in respect of the mark “Rocky Mountain International” and affirms a finding of confusing similarity. “The fact that a respondent is shown to have been targeting the complainant’s mark (e.g., based on the manner in which the mark is used on the related website or impersonating documents or

other instruments) may also support the complainant's assertion and evidence that its mark has achieved significance as a source identifier." [WIPO Overview 3.1](#), sections 1.3 and 1.15; *California Newspapers Partnership v. kail dave, ocregister*, WIPO Case No. [D2024-1717](#); and *American Heart Association, Inc. v. Amman Dusad, Medconn*, WIPO Case No. [D2024-4051](#).

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 that 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 3.1](#), 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.

The website at the disputed domain name does not currently resolve to website with substantive content. Prior to the notice of dispute, the disputed domain name resolved to a website which sought to impersonate the Complainant's actual website. This use is not bona fide in the circumstances. *Crystal Cathedral Ministries v. Martina Zammit*, WIPO Case No. [D2023-0219](#).

Panels have held that the use of a domain name for illegitimate activity (here, claimed passing off) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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

C. Registered and Used in Bad Faith

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of its significance as a trademark owned by (usually) the complainant.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

Clearly, the Respondent was aware of the Complainant. The website at the disputed domain name at one time contained references to the Complainant, the Complainant's "Rocky Mountain International" brand, the Complainant's telephone number and the Complainant's staff.

The Panel concludes that the Respondent acquired and used the disputed domain name for SEO (search engine optimization) purposes to take advantage of the Complainant's reputation to promote online casinos. This is evidence of bad faith registration and use.

Panels have found that registration of a domain name that has lapsed, where the registration is done to take an unfair advantage of the reputation built by the previous owner, and the domain name conflicts with the rights of the prior registrant, is opportunistic behavior that constitutes registration and use in bad faith under the Policy. This is particularly so where the Respondent has added links to gambling websites to a website that impersonates the Complainant. *Hartsfield Area Transportation Management Association, Inc. v. Max Davidovich*, WIPO Case No. [D2006-0743](#); *Block.one v. See PrivacyGuardian.org / Burstein-Applebee, Jerry K. Chasteen*, WIPO Case No. [D2021-1516](#).

The Panel finds that the Complainant has established the third element of the Policy.

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 <rmi-realamerica.com> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: July 18, 2026