

ADMINISTRATIVE PANEL DECISION

The Choctaw Nation of Oklahoma v. Frank Martin
Case No. D2026-3145

1. The Parties

The Complainant is The Choctaw Nation of Oklahoma, United States of America ("United States"), represented by Dunlap Coddling, P.C., United States.

The Respondent is Frank Martin, United States.

2. The Domain Name and Registrar

The disputed domain name <choctawcasinodurant.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on July 16, 2026. On July 17, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 20, 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 (NAMECHEAP INC.) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 22, 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 July 23, 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 July 29, 2026. In accordance with the Rules, paragraph 5, the due date for Response was August 18, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 21, 2026.

The Center appointed Colin T. O'Brien as the sole panelist in this matter on August 28, 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

Complainant is the third-largest federally-recognized Indian tribe in the United States, with over 225,000 tribal members and over 13,500 employees and associates. The Choctaw Nation reservation covers nearly 11,000 square miles in Southeastern Oklahoma and harbors a multitude of tribal-owned businesses.

Since 1989, Complainant has used the CHOCTAW CASINO mark to identify its casino businesses on the Choctaw Nation reservation in Durant, Oklahoma. Complainant's CHOCTAW CASINO enterprise is known for its state-of-the-art gaming facilities, restaurants, bars, shopping outlets, live entertainment, and associated resorts. Complainant's casinos are marketed nationwide, not only to gamblers but to tourists and local residents interested in its entertainment and cultural offerings.

Complainant is the owner of a United States registration for CHOCTAW CASINO Registration Number 2860432, Registered July 6, 2004.

The disputed domain name <choctawcasinodurant.com> was registered on January 28, 2026.

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.

Notably, the Complainant contends that the disputed domain name is confusingly similar to the Mark in which the Complainant has superior rights and a U.S. trademark registration. Specifically, the disputed domain name registered by the Respondent consists of the dominant, recognizable Complainant's CHOCTAW CASINO Mark. Respondent's disputed domain name, choctawcasinodurant.com, features the exact "CHOCTAW CASINO" mark alongside the location of Complainant's flagship casino, "DURANT," which plainly alludes to the gaming and casino services offered under Complainant's CHOCTAW CASINO Mark both online and on-site at the Complainant's premier Durant, Oklahoma casino. Thus, the "CHOCTAW CASINOS DURANT" disputed domain name suggests an affiliation with Complainant's CHOCTAW CASINO Mark and casino services.

Respondent has no rights or legitimate interests in the disputed domain name, as it uses Complainant's CHOCTAW CASINO Mark in purported connection with casino/gaming services. Respondent registered the disputed domain name on January 28, 2026, long after Complainant registered the Mark with the United States Patent and Trademark Office and long after Complainant began using the Mark. Moreover, Respondent is not a licensee of Complainant nor is Respondent otherwise authorized to use the Mark for any purpose. Respondent has not made use of the disputed domain name in connection with a bona fide offering of goods or services. Rather, it appears Respondent has no legitimate reason for using the disputed domain name except to cybersquat. Respondent has not used the domain name for any legitimate purpose. The disputed domain name currently resolves to a largely vacant website that redirects to an unsupported webpage. Respondent could be using the disputed domain name for nefarious purposes and is effectively preventing Complainant from creating a website using the disputed domain name that is indicative of Complainant's Mark and related casino businesses.

Respondent had, at least, constructive notice, if not actual notice, of the Mark when registering the disputed domain name by virtue of the Complainant's robust presence in the gaming industry and federally registered CHOCTAW CASINO Mark. This knowledge suggests Respondent acted with opportunistic bad faith in registering the disputed domain name to make an illegitimate use of it. Furthermore, Respondent has not been commonly known by the disputed domain name, and has not made any legitimate noncommercial or fair use of the disputed domain name.

Respondent registered the disputed domain name in 2026 in an effort to preclude Complainant from registering the domain name. The nature of Respondent's registration and non-use of the domain name evidence bad faith. Respondent has failed to place any content on the website to which the disputed domain name resolves, but it is practically certain that Respondent acquired the disputed domain name knowing the apparent affiliation it would have with the Choctaw Casino in Durant and the overarching CHOCTAW CASINO name that Complainant has developed and maintained since 1989. Respondent has not made any bona fide offering of goods or services via the disputed domain name.

Respondent knowingly registered the disputed domain name containing terms that are identical in overall sound and meaning to Complainant's long-standing mark. Additionally, Respondent sought to capitalize on Complainant's history of CHOCTAW-related domain name acquisition and trademark enforcement efforts by registering a domain name using the exact "CHOCTAW CASINO" mark and geographic identifier "DURANT" in apparent association with the gambling services that the CHOCTAW CASINO mark provides.

B. Respondent

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

6. Discussion and Findings

Complainant has demonstrated it owns registered trademark rights in the CHOCTAW CASINO mark. The disputed domain name reproduces Complainant's mark in its entirety with the term "durant". The generic Top-Level Domain ("gTLD") ".com" is viewed as a standard registration requirement and as such is typically disregarded under the first element confusing similarity test.

The Panel finds the addition of the term "durant" does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

Accordingly, the disputed domain name is confusingly similar to the mark in which Complainant has rights and the first element of the Policy is established.

B. Rights or Legitimate Interests

Complainant has presented a prima facie case that Respondent has no rights or legitimate interests in respect of the disputed domain name and has not been commonly known by the disputed domain name. The fact that Respondent registered the disputed domain name which incorporates Complainant's registered CHOCTAW CASINO trademark and merely adds the geographic term "durant", indicates to the Panel that Respondent likely sought to impersonate Complainant and piggyback on the mark for potential illegitimate purposes.

After a complainant has made a prima facie case, the burden of production shifts to a respondent to present evidence demonstrating rights or legitimate interests in the domain name. See, e.g., *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#) and [WIPO Overview 3.1](#), section 2.1.

Here, Respondent has failed to participate in the proceedings and as such, it did not provide any evidence of any rights or legitimate interests in the disputed domain name.

Moreover, the Panel finds that the nature of the disputed domain name carries a risk of an implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by Complainant. See [WIPO Overview 3.1](#), section 2.5.1.

In the absence of any evidence rebutting Complainant's prima facie case indicating Respondent's lack of rights or legitimate interests in respect of the disputed domain name, the Panel finds that Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The disputed domain name was registered years after Complainant first registered and used the CHOCTAW CASINO mark. The evidence on the record provided by Complainant is sufficient to satisfy the Panel that, at the time the disputed domain name was registered, Respondent undoubtedly knew of Complainant's CHOCTAW CASINO mark.

Further, the Panel finds the use of the disputed domain name by Respondent is in bad faith. Paragraph 4(b)(iv) of the Policy states that evidence of bad faith may include a respondent's use of a domain name to intentionally attempt to attract, for commercial gain, Internet users to the respondent's website or other online location, by creating a likelihood of confusion with the complainant's mark. Having the disputed domain name, which incorporates the Complainant's well-known and coined trademark website indicates to the Panel that Respondent registered and used the disputed domain name in bad faith.

In the absence of any evidence or explanation from Respondent, the Panel finds that the registration and use of the disputed domain name have been for bad faith purposes.

Accordingly, the Panel finds that Complainant has satisfied paragraph 4(a)(iii) 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 <choctawcasinodurant.com> be transferred to the Complainant

/Colin T. O'Brien/

Colin T. O'Brien

Sole Panelist

Date: September 11, 2026