

## **ADMINISTRATIVE PANEL DECISION**

M.S.E.O. Holdings LLC v. Prince Karl

Case No. DIO2025-0029

### **1. The Parties**

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

Respondent is Prince Karl, United States.

### **2. The Domain Name(s) and Registrar(s)**

The disputed domain name <rarebreedtriggers.io> is registered with TLD Registrar Solutions Ltd. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on August 5, 2025. On August 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 20, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to Complainant on August 25, 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 25, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .IO Domain Name Dispute Resolution Policy (the "Policy"), the Rules for .IO Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for .IO 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 August 27, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 16, 2025. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on September 17, 2025.

The Center appointed Scott R. Austin as the sole panelist in this matter on September 23, 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 following facts appear from the Complaint (as amended) and its attached Annexes, which have not been contested by Respondent, and provides evidence sufficient to support:

For purposes of this UDRP proceeding Complainant is consolidated and collectively comprised of M.S.E.O. Holdings LLC, a limited liability company ("Holdings") organized under the laws of Wyoming involved in the manufacture and sale of firearms and firearm component products, through two exclusive (each for separate goods) licensees, Rare Breed Triggers, Inc., ("RBT") using the trademark RARE BREED TRIGGERS (the "RARE BREED TRIGGERS Mark"), and Rare Breed Firearms, LLC. ("RBF") using the trademark RARE BREED FIREARMS (the "RARE BREED FIREARMS Mark"; and collectively with the RARE BREED TRIGGERS Mark, the "RARE BREED Marks"). Holdings, RBT and RBF are sufficiently related in control and business operation to be consolidated and will be hereafter collectively referred to as "Complainant".

Complainant submits evidence to support common law rights in the RARE BREED Marks including: a sworn declaration by an officer and director of Holdings claiming a first use date of December 31, 2020; RBT web page specimens, extensive social media presence and media coverage of Complainant and its products, including significant coverage relating to the controversy surrounding a temporary injunction involving regulatory classification of a patented "forced reset trigger" technology sold by Complainant under its RARE BREED TRIGGERS Mark, during which time Complainant continued to reassure customers that "we'll be back," and continued to disseminate information about RARE BREED TRIGGERS on its social media site and has continued to do so since settlement in May 2025, when it was determined Complainant's products were lawful and sales were permitted to resume; a pending federal application for registration of the RARE BREED TRIGGERS Mark for use in connection with triggers for firearms; evidence of the number of entities targeting the RARE BREED TRIGGERS Mark using domain names that are quite similar to the mark, for websites that either impersonate Complainant or at the very least use Complainant's RARE BREED Marks and trade dress to sell or purportedly sell the same goods, including, <rarebreedtriggers.us>, <rarebreedtrigger.net>, <rare-breed-trigger.com>, and <rarebreedtriggerfrt.com>.

Complainant owns the domain names <rarebreedtriggers.com> and <rarebreedfirearms.com> and the associated official websites through which it offers its products and promotional information about them at "www.rarebreedtriggers.com" and "www.rarebreedfirearms.com" (each an "Official RARE BREED Mark Website").

Complainant claims statutory and common law rights in the RARE BREED Marks including the following registration and pending application with the United States Patent and Trademark Office ("USPTO"):

United States Registration No. 5,656,596, RARE BREED FIREARMS, registered on January 15, 2019, for a range of products, including "Firearms; guns", in International Class 13.

United States application Serial No. 99/210,030, RARE BREED TRIGGERS filed May 30, 2025, for triggers for firearms, claiming a first use in commerce date at least as early as December 31, 2020.

The disputed domain name was registered on October 24, 2024, and the record evidence submitted shows it resolved to what is generally referred to as a "copycat" website displaying pages strikingly similar to the content on the Official RARE BREED TRIGGERS Mark Website. The similarities include home page that displays prominent use of Complainant's RARE BREED TRIGGERS Mark, color scheme, font style and similar design choices, features infringing copies of Complainant's copyright protected digital images of its

products, and an About Us page that falsely claims to be the company that produces Rare Breed products and that invented the relevant technology.

## **5. Parties' Contentions**

### **A. Complainant**

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name. Complainant contends that the disputed domain name is identical to Complainant's trademark; that Respondent has no rights or legitimate interests in respect of the disputed domain name; and that the disputed domain name was registered and is being used in bad faith.

### **B. Respondent**

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

Paragraph 15 of the Rules provides that the Panel is to decide the Complaint on the basis of the statements and documents submitted in accordance with the Policy, the Rules, and any rules and principles of law that it deems applicable.

The onus is on Complainant to make out its case, and it is apparent from the terms of the Policy that Complainant must show that all three elements set out in paragraph 4(a) of the Policy have been established before any order can be made to transfer or cancel a domain name. As the proceedings are administrative, the standard of proof under the Policy is often expressed as the "balance of the probabilities" or "preponderance of the evidence" standard. Under this standard, an asserting party needs to establish that it is more likely than not that the claimed fact is true. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 4.2.<sup>1</sup>

Thus, for Complainant to succeed it must prove within the meaning of paragraph 4(a) of the Policy and on the balance of probabilities that:

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

The Panel finds that Complainant has met its burden in all three elements of the Policy and will deal with each of these elements in more detail below.

### **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 disputed domain name. [WIPO Overview 3.0](#), section 1.7.

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<sup>1</sup> The Panel notes that the .IO Domain Name Dispute Resolution Policy (the **Policy**) adopted by the Internet Computer Bureau Limited (**NIC.IO**) on June 1, 2020, is similar to the Uniform Domain Name Dispute Resolution Policy (the "UDRP") with the notable exception that the third element operates in the disjunctive, requiring a showing of either registration or use in bad faith for a complainant to sustain its burden there. Thus, the Panel, has referred to the [WIPO Overview 3.0](#), where appropriate.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. Trademark registration evidence has been submitted in the form of electronic copies of valid and subsisting national and international trademark registration documents in the name of Complainant referenced in Section 4 above. Ownership of a nationally registered trademark constitutes prima facie evidence that the complainant has the requisite rights in a mark for purposes of paragraph 4(a)(i) of the Policy.

[WIPO Overview 3.0](#), section 1.2.1; see *Advance Magazine Publishers Inc., Les Publications Conde Nast S.A. v. Voguechen*, WIPO Case No. [D2014-0657](#); see also *Janus International Holding Co. v. Scott Rademacher*, WIPO Case No. [D2002-0201](#).

The Panel finds Complainant's foregoing national registration is sufficient to demonstrate statutory trademark rights in Complainant's RARE BREED FIREARMS Mark to meet Complainant's burden under the first element of the Policy and the predominant portion of this mark is clearly recognizable as incorporated into the disputed domain name.

As for the common law rights, the analysis is more complex in this instance but ultimately given the evidence presented in the record, the Panel finds Complainant's RARE BREED TRIGGERS Mark has obtained secondary meaning within its niche industry sufficient to meet the standing requirements of the first element of the policy. See [WIPO Overview 3.0](#), section 1.3.

Complainant submits in support of its trademark rights in the RARE BREED Marks a Declaration sworn to under oath by an officer and director of Complainant's constituent businesses, namely, as the Managing Director of Complainant's holding company, owner of the RARE BREED Marks, and as President of the exclusive licensee of the RARE BREED TRIGGERS Mark. The Declarant states under oath in his declaration that the RARE BREED TRIGGER Mark has been in use in commerce by the exclusive licensee at common law "since at least as early as December 31, 2020".

The Declarant also directs the Panel's attention to additional evidence in support of Complainant's common law rights submitted in an attached annex which shows use of the mark in a digital image on a firearm trigger mechanism referencing a patent number for a patent which appears to have been issued in 2019 and was ultimately acquired by Complainant and for which Complainant asserts it is the exclusive licensee for use of this mechanism in its firearm trigger products, as well as web page printouts from Complainant's website showing the Mark used for its newsletter subscription page, the Website "About Us" page explaining the blog attributed to Complainant, and a press release. While these items alone would not be enough as they all appear to have footer dates on the evidence submitted showing use of the unregistered RARE BREED TRIGGERS Mark at common law in June and July 2025, the panel notes they just part of a substantial record submitted showing use and recognition of Complainant's unregistered mark in a niche market.

Most importantly, Complainant provides additional evidence submitted regarding a controversy that has greatly increased Complainant's recognition within its industry. The controversy, involving regulatory treatment and classification of Complainant's firearm trigger component products sold exclusively under the RARE BREED TRIGGER Mark is among the factors to be considered in the determination of whether a complainant's unregistered mark has become a distinctive identifier which consumers associate with the complainant's goods and/or services. Among the factors noted under [WIPO Overview 3.0](#), section 1.3 provides:

"Particularly with regard to brands acquiring relatively rapid recognition due to a significant Internet presence, panels have also been considering factors such as the type and scope of market activities and the nature of the complainant's goods and/or services." [WIPO Overview 3.0](#), section 1.3

This controversy based on regulatory action and a lawsuit now settled which allowed Complainant to continue the sale of its product is beyond the scope of this proceeding, but the "relatively rapid recognition" gained by Complainant and its product under the RARE BREED TRIGGERS Mark due to the media attention on the Internet gained through this controversy is clear, especially considering the rise in infringing domain names, copycat and counterfeit websites which accompanied it. The Panel finds that the apparent effect of these events did not result in Complainant's lack of use of the mark, but the Panel observes from the record

that such controversy resulted in substantial recognition of the Mark and has been sufficiently covered in the media, relevant trade press, social media and even competitor websites, that recognition of Complainant's products identified by the RARE BREED TRIGGERS Mark sufficiently accelerated in recognition to the level of secondary meaning, especially in the relevant market niche for its firearms products. As noted in [WIPO Overview 3.0](#), section 1.1.2, for a number of reasons, including the global nature of the Internet and Domain Name System, the fact that secondary meaning may only exist in a particular geographical area or market niche does not preclude the complainant from establishing trademark rights (and as a result, standing) under the UDRP. See [WIPO Overview 3.0](#), section 1.3. Additional evidence of such recognition appears in court documents where Complainant's opponents, the agency regulators stated in their complaint that sales of Complainant's products under its RARE BREED TRIGGERS Mark occurred beginning in December 2020 and by January 2023 and estimated 80,000 products had been sold generating USD 29 million in revenues for Complainant's business. Based on these circumstances the Panel finds both statutory and common law rights in the RARE BREED Marks and specifically finds common law rights in the RARE BREED TRIGGER Mark.

A side-by-side comparison between the disputed domain name and Complainant's mark shows the disputed domain name is identical to Complainant's RARE BREED TRIGGERS Mark.

Complainant's RARE BREED Mark is incorporated in its entirety in the disputed domain name followed by official registered country-code Top-Level Domain ("ccTLD") ".io" designated as the territorial code for the British Indian Ocean Territory and is also often used for its abbreviation of the standard technology industry term "input/output."

Prior panels have held in similar circumstances "in 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". See *L'Oréal, Lancôme Parfums et Beauté & Cie v. Jack Yang*, WIPO Case No. [D2011-1627](#); see also, *Wal-Mart Stores, Inc. v. Richard MacLeod d/b/a For Sale*, WIPO Case No. [D2000-0662](#).

Prior panels have also found that a ccTLD, like a gTLD, being viewed as a standard registration requirement, may typically be disregarded under the paragraph 4(a)(i) analysis. See [WIPO Overview 3.0](#), section 1.11.1; see e.g., *The Optimism Foundation v. Ridvan*, WIPO Case No. [DIO2022-0047](#) ("for the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the Top-Level Domain ['TLD'], in this case '.io'").

The Panel finds that Complainant's RARE BREED TRIGGERS Mark in which Complainant has rights, is identical to and therefore, recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, the Panel finds the first element of the Policy has been established.

## **B. Rights or Legitimate Interests**

The Panel also concludes that Respondent has no rights or legitimate interests in the disputed domain name.

The Policy contains a non-exhaustive list of circumstances that may demonstrate when a respondent has rights or legitimate interests in a domain name. The list includes: (1) using the domain name in connection with a bona fide offering of goods and services; (2) being commonly known by the domain name; or (3) making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers. Policy, paragraphs 4(c)(i)-(iii).

Although the overall burden of proof in .IO proceedings is on the complainant, panels have recognized that proving 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 3.0](#), section 2.1.

Having reviewed the available record, the Panel accepts Complainant's undisputed allegations that Respondent has no authorization to use Complainant's trademarks and that Respondent is not commonly known by the disputed domain name. Similarly, the Panel accepts the allegations that Respondent is not making bona fide use of the disputed domain name under the Policy.

Complainant contends Respondent is not using the disputed domain name in connection with legitimate noncommercial or fair use or a bona fide offering of goods or services because, as Complainant's attached screen shots of the web pages accessed through the disputed domain name show, the disputed domain name resolves to a carefully crafted "copycat" version of Complainant's Official RARE BREED TRIGGERS Mark Website to create a false association with Complainant for Respondent's commercial benefit.

The Panel notes that the evidence submitted persuasively supports Complainant's argument because it shows Respondent's website prominently features the unauthorized use of infringing copies of Complainant's content: copyright protected digital images of its trigger mechanisms and firearm component products and offers users the possibility of ordering competing counterfeit products sold by Respondent. Respondent's activities therefore undermine any claim of rights and legitimate interests because Respondent is using the disputed domain name to confuse Internet users and suggest an affiliation with or sponsorship by Complainant to direct users to Respondent's website for its commercial gain. Based on these facts the Panel finds Respondent's actions selling counterfeit goods are clearly not legitimate and clearly are misleading. Respondent, therefore, cannot claim rights or legitimate interests or noncommercial or fair use of the disputed domain name pursuant to paragraph 4(c)(iii) of the Policy. See *Six Continents Hotels Inc. v. "m on"*, WIPO Case No. [D2012-2525](#); see also *Frankie Shop LLC v. Jie Wen*, WIPO Case No. [D2022-4197](#).

It is a well-established principle according to a consensus of panels that the use of a domain name for "illegal" activity (e.g., the sale of counterfeit goods or [...] impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. See also *The Frankie Shop LLC v. Domain Protection Services, Inc. / My Mo*, WIPO Case No. [D2022-0825](#).

Having reviewed the record, the Panel finds Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. Respondent has not rebutted 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 Panel finds the second element of the Policy has been established.

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

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, 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 also be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Complainant contends that Respondent's configuration of the disputed domain name demonstrates a knowledge of and familiarity with Complainant's well-known brand and business by registering a domain name that incorporates the RARE BREED TRIGGERS Mark in its entirety. Complainant contends such configuration also shows Respondent's intent to create a false association in the minds of consumers between Respondent's offered fake trigger mechanisms and firearm components and Complainant's authentic RARE BREED Mark patented proprietary firearm trigger component products because it is

implausible that Respondent was not aware of Complainant's RARE BREED Marks and its association with firearm component products, given Respondent's admitted intention to "replicate" numerous models of Complainant's products and competing firearm products and sell them by trading on the brand's renown - both generally, and in the firearm component industry in which Respondent's copycat website purports to operate. The Panel notes there can be no doubt of Respondent's knowledge of Complainant's mark since Complainant shows that Respondent actually sells (or at least, claims to sell) counterfeit trigger products labeled with the RARE BREED TRIGGERS Mark on its website. Respondent has thereby intentionally created a domain name for registration that is confusingly similar to Complainant's trademark, as well as its official domain name used to access the Official RARE BREED Mark Website, to redirect users to its website and sell counterfeit products for its commercial benefit. Prior panels have found a domain name was registered in bad faith where the respondent registered a domain name incorporating a well-known mark for illegal purposes, such as intentionally attempting to impersonate or mislead in order to commit fraud or the sale of counterfeit goods. See, e.g., *Rootz Ltd v. Dynadot Privacy Service, Super Privacy Service LTD c/o Dynadot*, WIPO Case No. [DIO2025-0013](#); *Hachette Filipacchi Presse v. Domains by Proxy, LLC / Al-Rahim International*, WIPO Case No. [D2014-1635](#).

As discussed in greater detail in Section 6.B above, Complainant shows in evidence in the Annexes to its Complaint that Respondent used the disputed domain name to configure a copycat website to impersonate Complainant to intentionally attract Internet users, for commercial gain, by creating a likelihood of confusion attract Internet users seeking Complainant's products through the purported sale by Respondent of counterfeit trigger mechanisms constitutes evidence of bad faith use under the Policy, paragraph 4(b)(iv). [WIPO Overview 3.0](#), section 3.4; see also *The Coca-Cola Company v. PrivacyProtect.org/ N/A, Stephen Chukwumaobim*, WIPO Case No. [D2012-1088](#); *FC2, Inc. v. 申昌兰 (Shen Chang Lan)*, WIPO Case No. [D2023-4590](#); *Karl Lagerfeld B.V. v. Hongdong Hu*, WIPO Case No. [D2022-4375](#).

Having reviewed the record, the Panel finds Respondent had actual knowledge of Complainant, targeted Complainant's mark and used its actual knowledge to configure a mimic website for its commercial advantage. Accordingly, 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, <rarebreedtriggers.io> be transferred to Complainant M.S.E.O. Holdings LLC.

/Scott R. Austin/

**Scott R. Austin**

Sole Panelist

Date: November 7, 2025