



## URS DEFAULT DETERMINATION

RTIC Outdoors, LLC v.

Claim Number: FA2108001960218

### DOMAIN NAME

<rtic-coolers.shop>

### PARTIES

Complainant: RTIC Outdoors, LLC of Houston, Texas, United States of America.

Complainant Representative: Fish & Richardson P.C. of Minneapolis, Minnesota, United States of America.

Respondent: Barbara Smith of Southfield, Michigan, US.

Respondent Representative: N/A

### REGISTRIES and REGISTRARS

Registries: GMO Registry, Inc.

Registrars: NameSilo, LLC

### EXAMINER

The undersigned certifies that he has acted independently and impartially and to the best of his knowledge has no known conflict in serving as Examiner in this proceeding.

David L. Kreider, Chartered Arbitrator (UK), as Examiner.

### PROCEDURAL HISTORY

Complainant submitted: August 18, 2021

Commencement: August 19, 2021

Default Date: September 3, 2021

Having reviewed the communications records, the Examiner finds that the FORUM has discharged its responsibility under URS Procedure Paragraphs 3 and 4 and Rule 4 of the Rules for the Uniform Rapid Suspension System (the "Rules").

## **RELIEF SOUGHT**

Complainant requests that the domain name be suspended for the life of the registration.

## **STANDARD OF REVIEW**

Clear and convincing evidence.

## **FINDINGS and DISCUSSION**

The Complainant, RTIC Outdoors, LLC, is a leading supplier of premium outdoor products, including beverage coolers, drinkware, tote bags, and camping products ("Goods"). The Complainant uses the domain name "rticoutdoors.com" to promote and sell its Goods, which it registered on February 7, 2016.

Since 2016, Complainant has extensively used the RTIC word mark, RTIC Logo, and R Logo as its trade name and trademarks (together, the "RTIC Marks"). The Complainant owns more than 90 registrations worldwide for the RTIC Marks. The RTIC Marks are owned by the Complainant by and through its predecessors-in-interest, RTIC Coolers, LLC and RTIC IP, LLC.

The Respondent's <rtic-coolers.shop> domain name (the "Disputed Domain Name") wholly incorporates the RTIC trademark and is virtually identical to Complainant's current and prior trade names. The "coolers" generic wording and ".shop" gTLD do not distinguish the Disputed Domain Name from the

Complainant's Marks, but rather, serve to increase the likelihood for confusion, because the Complainant's core business is selling beverage coolers.

Only the Complainant is known by the RTIC Marks. The Respondent is not affiliated or related to the Complainant in any way and is not authorized to use the RTIC Marks. The Respondent's website to which the Disputed Domain Name resolves ("Website") mimics the Complainant's official website, leaving no doubt, in the view of this Examiner, that the Disputed Domain Name was created to target and free-ride on the Complainant's goodwill to scam and defraud the Complainant's customers.

The Disputed Domain Name was registered on August 9, 2021, more than five years after the Complainant began using the Marks. The Disputed Domain Name was registered and is currently being used in bad faith to impersonate the Complainant and defraud its customers. The Respondent's bad faith is demonstrated by the Website, which: (1) copies the Complainant's identical RTIC Marks, (2) copies images from the Complainant's website, (3) copies textual content *verbatim* from the Complainant's website, and (4) purports to sell the Goods at a substantial discount.

The Examiner accepts the Complainant's clear, convincing and un rebutted evidence that the Respondent registered and is using the Disputed Domain Name in bad faith for the sole or primary purpose of unlawfully diverting and defrauding the Complainant's customers.

## **DETERMINATION**

After reviewing the Complainant's submissions, the Examiner determines that the Complainant has demonstrated all three elements of the URS by a standard of clear and convincing evidence; the Examiner hereby Orders the following domain names be SUSPENDED for the duration of the registration.

<rtic-coolers.shop>

A handwritten signature in black ink, appearing to read 'DK', is written over a horizontal line.

David L. Kreider, Esq.  
Panelist

David L. Kreider, Examiner

Dated: September 04, 2021