

ADMINISTRATIVE PANEL DECISION

**Axlebolt LTD v. Privacy Service Provided by Withheld for Privacy ehf /
ARNOLD BRAIN
Case No. D2022-1655**

1. The Parties

The Complainant is Axlebolt LTD, Cyprus, represented by Versus.legal LLC, Cyprus.

The Respondent is Privacy Service Provided by Withheld for Privacy ehf, Iceland / ARNOLD BRAIN, United Kingdom.

2. The Domain Names and Registrar

The disputed domain names <standoff2.cc> and <standoff2.store> (the “Domain Names”) are registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 6, 2022. On May 6, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On May 6, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on May 9, 2022 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 May 11, 2022.

The Center verified that the Complaint 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 May 19, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 8, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on June 9, 2022.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on June 16, 2022. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is an Android developer that has been active since 2013 with a very popular game (Standoff Multiplayer) in Google Play with more than 10 million installs.

The Complainant holds several trademarks based on STANDOFF, such as International trademark registration No.1592770 and Russian Federation trademark registration No. 728917, both registered before the Domain Names.

The Domain Names were registered on December 1, 2021, and March 11, 2021. At the time of Complaint, and at the time of drafting the Decision, the Domain Names resolved to similar looking websites that promote and sell the Complainant's products.

5. Parties' Contentions

A. Complainant

The Complainant provides evidence of trademark registration, and argues that the Domain Names are confusingly similar to the Complainant's trademark.

The Complainant asserts that the Respondent is not authorized to use the Complainant's trademark. The Respondent cannot establish rights in the Domain Names, as it has not made any use of, or demonstrable preparations to use, the Domain Names in connection with a *bona fide* offering of goods or services. The Complainant argues that the webpages at the Domain Names are dedicated to promotion and selling of virtual in-game objects from the Complainant's product "STANDOFF 2". The Complainant submits that the content of the websites indicates illegal distribution of the Complainant's products.

The Complainant argues that due to the fame of the Complainant's game, and the content of the Respondent's websites, the Respondents must have been aware of the Complainant and its trademark when the Respondent registered the Domain Names. The Respondent's use of the Domain Names is also evidence of bad faith use. It represents illegal distribution of the Complainant's products, and it creates confusion with the Complainant. It misleads the Complainant's consumers.

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 it has rights in the trademark STANDOFF. The test for confusing similarity involves a comparison between the trademark and the Domain Names. The Domain Names incorporate the Complainant's trademark, with the addition of "2". The addition does not prevent a finding of confusing similarity between the Domain Names and the trademark.

For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the Top-Level Domains ("TLDs"), see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition

(“[WIPO Overview 3.0](#)”), section 1.11.

The Panel finds that the Domain Names are confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

The Complainant has made unrebutted assertions that it has not granted any authorization to the Respondent to register a domain name containing the Complainant’s trademark or otherwise make use of the Complainant’s mark. There is no evidence that the Respondent has registered the Domain Names as a trademark or acquired unregistered trademark rights. The Respondent has not made use of, or demonstrable preparations to use, the Domain Names in connection with a *bona fide* offering. The Respondent’s use of the Domain Names for possible illegal distribution of the Complainant’s products would not be *bona fide*, but rather evidence of bad faith.

Further, the composition of the Domain Names carries a risk of implied affiliation not considered fair use as it “effectively impersonates or suggests sponsorship or endorsement by the trademark owner” (see [WIPO Overview 3.0](#), section 2.5.1).

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Names in accordance with paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

Based on the Complainant’s prior trademark rights and the Respondent’s use of the Domain Names, the Panel concludes that the Respondent must have been aware of the Complainant and its trademark when the Respondent registered the Domain Names. Moreover, the composition of the Domain Names suggests that the Respondent was aware of the Complainant when registering the Domain Names.

The Respondent has taken the Complainant’s trademark and incorporated it in the Domain Names along with “2”, without the Complainant’s authorization, for the purpose of capitalizing on the reputation of the Complainant’s trademark. The Panel finds the composition of the Domain Names coupled with their use is evidence of bad faith.

For the reasons set out above, the Panel concludes that the Domain Names were registered and are being used in bad faith, within the meaning of 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 Domain Names <standoff2.cc> and <standoff2.store> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: June 27, 2022