

## **ADMINISTRATIVE PANEL DECISION**

Riot Games, Inc. v. Mert  
Case No. D2023-1407

### **1. The Parties**

The Complainant is Riot Games, Inc., United States of America (“United States”), represented by Marq Vision Inc., Republic of Korea.

The Respondent is Mert, Türkiye.

### **2. The Domain Name and Registrar**

The disputed domain name <support-riotgames.com> is registered with Google LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 31, 2023. On April 3, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On the same day, 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 (Unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 12, 2023, 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 amendment to the Complaint on the same day.

On April 12, 2023, the Center sent an email communication regarding the language of the proceeding in English and Turkish. The Complainant submitted a request to proceed in English on April 14, 2023. The Respondent did not submit any response related to the language of proceedings to the Center.

The Center verified that the Complaint together with the amendment to the 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 both in Turkish and in English, and the proceedings commenced on April 21, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 11, 2023. The Respondent

did not submit any formal response, however sent informal communication emails on April 12, 14, and 22, 2023. Accordingly, the Center notified the Commencement of Administrative Proceeding on April 25, 2023.

The Center appointed Kaya Köklü as the sole panelist in this matter on May 16, 2023. 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 produces and distributes online games and merchants since 2012.

The Complainant is the owner of the RIOT GAMES trademark. It is the owner of the United States Trademark No. 4109440 for RIOT GAMES, registered on March 6, 2012, for various goods and services mainly related to online entertainment and gaming as protected in class 9, 41 and 38 (Annex 5 to the Complaint).

Since 2012, the Complainant further owns and operates its main website at <riotgames.com>.

The disputed domain name was registered on December 30, 2022.

The Respondent is reportedly an individual located in Türkiye.

At one time, the disputed domain name resolved to a website prominently featuring the Complainant's RIOT GAMES trademark together with further trademarks and copyright protected content of the Complainant. In fact, the associated website was mimicking the official website of the Complainant (Annexes 8 and 9 to the Complaint).

At the time of the decision, the disputed domain name does not resolve to an active website anymore.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant requests the transfer of the disputed domain name.

The Complainant is of the opinion that the disputed domain name is confusingly similar to its RIOT GAMES trademark.

It further argues that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

In addition, the Complainant is convinced that the Respondent has registered and is using the disputed domain name in bad faith.

##### **B. Respondent**

The Respondent did not submit any formal response, however sent informal communication emails in both Turkish and English languages on April 12 and 14, 2023, as well as in Turkish language on April 22, 2023.

In its email communications of April 12 and 14, 2023, the Respondent mainly stated in English language that he wants "to close this domain" and in case of a violation of the Complainant's rights, "it can be turned off". On April 22, 2023, he mainly repeated his previous statements in Turkish language.

## 6. Discussion and Findings

### 6.1. Language of the Proceeding

The Panel determines in accordance with the Complainant's request and the Rules, paragraph 11(a), that the language of this administrative proceeding shall be English.

Although the language of the registration agreement is Turkish, the Panel finds that it would be inappropriate, given the circumstances of this case, to conduct the proceedings in Turkish and request a Turkish translation of the Complaint while the Respondent has failed to raise any objection or even to respond to the Center's communication about the language of the proceedings, even though communicated in Turkish and in English. The Panel further notes that the Respondent was given the opportunity to respond in Turkish and that this opportunity remained unused by the Respondent, except for his informal email communications to the Center. Lastly, the Panel notes that the Respondent communicated with the Center also in English language during the present proceedings.

Consequently, the Panel is convinced that the Respondent will not be prejudiced by a decision being rendered in English.

### 6.2. Substantive Issues

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) the disputed domain name has been registered and is being used in bad faith.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not formally replied to the Complaint. See *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See *Belupo d.d. v. WACHEM d.o.o.*, WIPO Case No. [D2004-0110](#).

For the evaluation of this case, the Panel has further taken note of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") and, where appropriate, will decide consistent with the consensus views stated therein.

#### A. Identical or Confusingly Similar

To begin with, the Panel confirms that the Complainant has satisfied the threshold requirement of having trademark rights in RIOT GAMES.

The Panel further finds that the disputed domain name is confusingly similar to the Complainant's RIOT GAMES trademark, as it fully incorporates the Complainant's trademark.

As stated at section 1.8 of the [WIPO Overview 3.0](#), where the relevant trademark is recognizable within the

disputed domain name, the addition of other terms would generally not prevent a finding of confusing similarity. The addition of “support” in combination with a hyphen does not, in view of the Panel, prevent a finding of confusing similarity between the disputed domain name and the Complainant’s RIOT GAMES trademark.

Accordingly, the Panel finds that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

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

While the burden of proof remains with the Complainant, the Panel recognizes that this would often result in the impossible task of proving a negative, in particular as the evidence needed to show the Respondent’s rights or legitimate interests is primarily within the knowledge of the Respondent. Therefore, the Panel agrees with prior UDRP panels that the Complainant is required to make out a *prima facie* case before the burden of production shifts to the Respondent to show that it has rights or legitimate interests in the disputed domain name to meet the requirements of paragraph 4(a)(ii) of the Policy. *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

With its Complaint, the Complainant has provided *prima facie* evidence that the Respondent has no rights or legitimate interests, particularly no license to use the Complainant’s trademark within the disputed domain name.

There is also no indication in the current record that the Respondent is commonly known by the disputed domain name. In the absence of a substantive response, the Respondent has particularly failed to demonstrate any of the nonexclusive circumstances evidencing rights or legitimate interests under the Policy, paragraph 4(c), or provide any other evidence of rights or legitimate interests in the disputed domain name.

Even more, the Panel notes that the nature of the disputed domain name carries a significant risk of implied affiliation or association and that such implied affiliation was clearly the intent of the Respondent. The Panel concludes that the disputed domain name was used in association with a misleading website to obviously impersonate the Complainant, which amounts to an illicit use that can never confer rights or legitimate interests upon the Respondent. [WIPO Overview 3.0](#), section 2.13.

Consequently, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

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

The Panel believes that the Respondent deliberately attempted to create a likelihood of confusion among Internet users for illegitimate purposes, particularly for the following reasons.

At the date of registration of the disputed domain name, the Respondent was apparently well aware of the Complainant and its RIOT GAMES trademark. It is obvious to the Panel, that the Respondent has deliberately chosen the disputed domain name to target and mislead Internet users. Consequently, the Panel is convinced that the Respondent has registered the disputed domain name in bad faith.

Additionally, the Panel finds that the Respondent is using the disputed domain name in bad faith. The Panel particularly notes that previously, the disputed domain name resolved to a website creating the false impression to be operated by or at least associated with the Complainant, possibly for the purpose of phishing or other fraudulent activities, e.g. by inviting misled Internet users to enter passwords and/or personal data for a log-in to the respective website (Annexes 8 and 9 to the Complaint).

Actually, the Panel cannot conceive of any plausible and legitimate use of the inherently misleading disputed domain name that would be in good faith, except with an authorization of the Complainant.

The fact that the disputed domain name does not currently resolve to an active website does not change the Panel's findings in this respect.

Taking all facts of the case into consideration, the Panel is convinced that this is a typical cybersquatting case, which the UDRP was designed to stop.

The Panel therefore concludes that the disputed domain name was registered and is being used in bad faith and that the Complainant consequently has satisfied the third element of the Policy, namely, 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, <support-riotgames.com>, be transferred to the Complainant.

*/Kaya Köklü/*

**Kaya Köklü**

Sole Panelist

Date: May 30, 2023