

## **ADMINISTRATIVE PANEL DECISION**

Rovio Entertainment Corporation v. Angry Cash  
Case No. D2024-3833

### **1. The Parties**

Complainant is Rovio Entertainment Corporation, Finland, represented by Roschier (Brands), Attorneys Ltd., Finland.

Respondent is Angry Cash, Brazil.

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

The disputed domain name <angrybirds.cash> is registered with Hostinger Operations, UAB (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 19, 2024. On September 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 23, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name that differed from the named Respondent (Unknown, Privacy Protect, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on October 2, 2024, 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 October 3, 2024.

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 Respondent of the Complaint, and the proceedings commenced on October 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 24, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent's default on October 25, 2024.

The Center appointed Jeffrey D. Steinhardt as sole panelist in this matter on October 31, 2024. 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 a global mobile-first games company that creates, develops, and publishes mobile games as well as licensing the ANGRY BIRDS brand for consumer products, movies, animations, and other entertainment.

Complainant owns registrations for its well-known ANGRY BIRDS mark, including for example: European Union trademark No. 009861311, registered September 6, 2011, in International Classes 3, 14, 18, 20 21, 24, 25, 27, 29, 30, 32, 33, 34, 35, 36, 38, and 43; and Chinese National Intellectual Property Administration trademark registration No. 11115658, registered November 14, 2013, in International Class 41.

The disputed domain name was registered February 29, 2024. Although the disputed domain name does not presently resolve to an active webpage, September 17, 2024, screen captures annexed to the Complaint show that the disputed domain name resolved to an active website presenting a gambling game in Portuguese. The site provided a game with a theme and artwork similar to Complainant's well-known Angry Birds game and offered members of the public potential monetary rewards for participating in online gambling activity and for referring third parties to join.

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

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

Complainant avers that its Angry Birds game has been downloaded more than 2 billion times.

Complainant alleges that Respondent is offering an online gambling game titled ANGRY CASH with characters bearing close resemblance to Complainant's original ANGRY BIRDS game characters, without Complainant's authorization. Complainant notes that Respondent's website refers to "angry birds" and "pig structures," prominent features of Complainant's original game. Respondent directly refers to Complainant's well-known game and claims that (translated) "it is back, and now you can turn that anger into real rewards!"

Complainant contends that Respondent attempts to attract people to gamble for commercial gain by appealing to the sense of familiarity of the "ANGRY CASH" game. Complainant alleges that Respondent's bad faith is proven among other things because the disputed domain name <angrybirds.cash> is identical to Complainant's well-known trademarks and the Top-Level Domain ("TLD") ".cash" included in the domain name refers to money.

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

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

Respondent did not reply to Complainant's contentions.

## **6. Discussion and Findings**

### **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 of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel finds that the first element of the Policy paragraph 4(a) has been established.

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

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP 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 finds that 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 disputed domain name is identical to Complainant's trademark and thus carries a high risk of implied affiliation. The use of such an identical domain name to provide competing services through which Respondent derives commercial gain is an illegitimate activity that cannot constitute fair use.

Panels have held that the use of a domain name for illegitimate activity (here, alleged 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.

The Panel finds that the second element of Policy paragraph 4(a) has been established.

### **C. Registered and 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 establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

In the present case, the Panel notes that Respondent has used the disputed domain name to present an online game with a theme similar to Complainant's very well-known Angry Birds game, offering rewards to members of the public who join in the gambling activity. It is clear both from the composition of the disputed

domain name as well as the content of the website that Respondent knew of Complainant's trademarks and impersonated and targeted Complainant for commercial purposes. This appears to the Panel to be a clear instance of bad faith under the Policy; Respondent has "attempted to attract, for commercial gain, Internet users...by creating a likelihood of confusion with the complainant's mark." See Policy paragraph 4(b)(iv).

Panels have also held that the use of a domain name for illegitimate activity, here, alleged impersonation/passing off, or other types of fraud, in and of itself constitutes bad faith. [WIPO Overview 3.0](#), section 3.4.

Finally, Respondent provided false contact information when registering the disputed domain name. Respondent used an obviously fictitious name ("Angry Cash") and listed an address in Porto Alegre, São Paulo province, Brazil. Complainant avers – and the Panel is aware – that no such town exists in São Paulo province; the city of Porto Alegre is instead the capital of Brazil's Rio Grande do Sul province. Under the circumstances, the Panel finds that providing false contact information in violation of Respondent's agreement with the Registrar is yet additional evidence of bad faith.

The Panel finds that Complainant has established the third element of the paragraph 4(a) 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 <angrybirds.cash> be transferred to Complainant.

*/Jeffrey D. Steinhardt/*

**Jeffrey D. Steinhardt**

Sole Panelist

Date: November 13, 2024