

ADMINISTRATIVE PANEL DECISION

Yggdrasil Malta Limited v. Sheng Kai Lin
Case No. D2024-3918

1. The Parties

The Complainant is Yggdrasil Malta Limited, Malta, represented by Aera A/S, Denmark.

The Respondent is Sheng Kai Lin, China.

2. The Domain Name and Registrar

The disputed domain name <yggdrasilgaminggames.com> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 25, 2024. On September 25, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 25, 2024, 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 the Complainant on September 27, 2024, 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 September 30, 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 the 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. The Respondent sent an email communication to the Center on September 27, 2024. On October 25, 2024, the Center informed the Parties that it would proceed with the panel appointment process.

The Center appointed Andrea Cappai as the sole panelist in this matter on November 11, 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

The Complainant is a provider of online gaming solutions for i-gaming operators. Founded in 2013, the company has emerged as one of the industry's leading suppliers, with offices in Poland, Sweden, Gibraltar, United Kingdom, and Malta. The Complainant has won several prestigious awards in the gambling industry, including the Innovator of the Year award by the International Gaming Awards in 2023.

The Complainant owns the following European Union Trademarks (EUTMs):

- European Union Trademark Registration Number: 015691959; mark: YGGDRASIL; Registration Date: November 4, 2016;
- European Union Trademark Registration Number: 018563621; mark: YGGDRASIL; Registration Date: January 20, 2022;
- European Union Trademark Registration Number: 015059959; mark: YGGDRASIL GAMING; Registration Date: July 20, 2016.

Additionally, the Complainant is the owner of several domain name registrations containing the YGGDRASIL trademarks, including <ygdrasilgaming.com> and <ygdrasil.games>, which host the Complainant's official website.

The disputed domain name is associated with a Japanese-language web page where the Complainant's trademark is visible, along with three links: two leading to other pages displaying the Complainant's trademark, and one linked to a website apparently unrelated to the Complainant.

5. Parties' Contentions

A. Complainant

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

Notably, the Complainant asserts that the Respondent has no rights or legitimate interests in the disputed domain name, based on the Complainant's continuous and long-standing prior use of its trademarks. The Complainant emphasises its trademark's strong recognition and goodwill. The Respondent is neither affiliated with nor related to the Complainant in any way and is not licensed or otherwise authorised to use the Complainant's trademarks in connection with a website, email communication, or for any other purpose.

The Complainant further contends that the Respondent is not using the disputed domain name in connection with any bona fide offering of goods or services, is not generally known by the disputed domain name, and has not acquired any trademark rights in that name or mark. The Complainant contends that the Respondent cannot claim to be commonly known by the disputed domain name, particularly given that the trademarks are exclusively associated with the Complainant and its gaming business.

Additionally, the Complainant asserts that the Respondent cannot claim to have made or be currently making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers. The configuration of mail exchange (MX) records in connection with the

disputed domain name presents an actual risk of misuse, such as fraudulent email communications, which further undermines any claim to legitimate interests by the Respondent.

B. Respondent

The Respondent did not reply to the Complainant's contentions. In its email dated September 27, 2024, the Respondent stated: "Hello, I don't quite understand what you mean. Could you please explain again how we should proceed?"

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 the 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.

The 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 Panel finds the mark is recognisable 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 1.7.

Although the addition of other terms such as "games" may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

The Panel finds the first element of the Policy 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 recognised 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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the 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 Complainant confirms that the Respondent lacks authorisation to use the Complainant's trademarks in any domain names and is not affiliated with the Complainant. The disputed domain name incorporates the Complainant's trademark and includes terms that refer to the Complainant's line of business. This suggests a deliberate attempt by the Respondent to mislead Internet users into believing that the disputed domain name is operated by or associated with the Complainant, thereby unfairly benefiting from this perceived connection.

This conclusion is further supported by the absence of evidence demonstrating that the Respondent is commonly known by the disputed domain name.

The Panel finds the second element of the Policy 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.

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 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.

In the present case, the Panel notes that the Respondent registered the disputed domain name – which comprises the Complainant's fanciful trademark and a word descriptive of the Complainant's business – for no conceivable reason other than to target the Complainant's trademark. This is particularly evident given the substantial goodwill associated with the trademark and the Complainant's strong reputation as an established provider of online gaming solutions. Indeed, a search for the Complainant's trademark on popular Internet search engines prominently displays its services.

Furthermore, prior UDRP panels have consistently concluded that the registration of a domain name identical or confusingly similar to a well-known trademark by an unrelated entity typically indicates bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Lastly, the Respondent has failed to provide any evidence of legitimate or intended use of the disputed domain name in good faith. The Panel notes that the disputed domain name resolves to a website referring to the Complainant and its official games. All of the above collectively support a finding that the disputed domain name was registered and used in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

The Panel finds that the 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 <ygdrasilgaminggames.com> be transferred to the Complainant.

/Andrea Cappai/

Andrea Cappai

Sole Panelist

Date: November 29, 2024