

ADMINISTRATIVE PANEL DECISION

Yggdrasil Malta Limited v. kevin jin, duaweb
Case No. D2024-4145

1. The Parties

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

The Respondent is kevin jin, duaweb, Indonesia.

2. The Domain Names and Registrar

The disputed domain names <yggdrasilgaming.pro> and <yggdrasilgaming-slot.site> are registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 9, 2024. On October 9, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On October 9, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (Redacted for Privacy (DT)) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 10, 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 October 15, 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 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 7, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 8, 2024.

The Center appointed Stefan Bojovic as the sole panelist in this matter on November 13, 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. The Complainant was founded in 2013, and it currently has offices in Poland, Sweden, Gibraltar, United Kingdom and Malta. The Complainant operates a scalable business model with products such as casino slots, table games and bingo, in addition to the businesses “Yggdrasil White Label Studios”, “YGS Masters” and “Yggdrasil Dragons”.

The Complainant is the owner of a number of registered trademarks for its YGGDRASIL and YGGDRASIL GAMING trademarks, including the following:

- International trademark registration No. 1538272 for YGGDRASIL, registered on May 4, 2020, and covering goods and services in classes 09, 35, 41 and 42;
- European Union trademark registration No. 015691959 for YGGDRASIL, registered on November 4, 2016, and covering goods and services in classes 09, 35, 41 and 42; and
- European Union trademark registration No. 015059959 for YGGDRASIL GAMING, registered on July 20, 2016, and covering goods and services in classes 09, 35, 41 and 42.

The Complainant also owns domain names that include its YGGDRASIL and YGGDRASIL GAMING trademarks, such as <yggdrasilgaming.com>, registered on June 21, 2012, and <yggdrasilslots.com>, registered on October 8, 2019.

The disputed domain names were registered on September 16, 2024, and they both resolve to “Lazada” webpages, offering registration for “Yggdrasil Gaming Slots” at a discounted price of IDR 50.000. MX records are configured on the disputed domain names.

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 names.

Notably, the Complainant contends that the disputed domain names are confusingly similar to its YGGDRASIL and YGGDRASIL GAMING trademarks. Further, the Complainant holds that the addition of the word “slot” and the generic Top-Level-Domains (“gTLDs”) “.site” and “.pro” do not prevent a finding of confusing similarity.

With reference to rights or legitimate interests in respect of the disputed domain names, the Complainant contends that the Respondent is neither affiliated with, nor has it been licensed or permitted to use the Complainant’s trademarks or any domain name incorporating the Complainant’s trademarks. The Respondent is not commonly known by the disputed domain names, particularly having in mind that the YGGDRASIL trademark is exclusively associated with the Complainant and its gaming business. Since MX records are configured in connection with the disputed domain names, there is an actual risk of creating email addresses by the Respondent in order to send fraudulent emails to customers and gaming operators, pretending to be the Complainant to collect personal data or to encourage financial transactions.

With reference to the circumstances evidencing bad faith, the Complainant states that its YGGDRASIL and YGGDRASIL GAMING trademarks are well-known in their field of business and that the Respondent must have known of the Complainant's trademarks when registering the disputed domain names. Further, the disputed domain names resolve to e-commerce "Lazada" pages, offering registration of "Yggdrasil Gaming Slot" for a discounted price of IDR 50.000. The unlawful use of the Complainant's trademarks without permission is misleading consumers into believing that there's an affiliation. This creates confusion and diverts traffic from the Complainant, showing a clear intent to exploit the Complainant's reputation for financial gain. Such misuse is a strong indication of bad faith, as it infringes on the Complainant's rights. The fact that the Respondent has configured MX records for the disputed domain names, indicates an intention to use the disputed domain names for illegal purposes. The Complainant indicates that they comply with the industry's best practices on responsible gaming and they support its licensees with responsible gaming controls. Hence, any kind of unauthorized use of the Complainant's products and services is tarnishing the Complainant's reputation and business.

B. Respondent

The Respondent did not reply to the Complainant's contentions.

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy stipulates that the complainant must prove each of the following:

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

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 trademarks and the disputed domain names. 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 entirety of the Complainant's trademarks YGGDRASIL and YGGDRASIL GAMING are reproduced within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the Complainant's trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms (here, "slot" in case of the disputed domain name <ygdrasilgaming-slot.site>) may bear on assessment of the second and third elements, the Panel finds the addition of such terms does not prevent a finding of confusing similarity between the disputed domain names and the Complainant's trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

In addition, it is well established that ".site" and ".pro", as gTLDs, can be disregarded in the assessment of the confusing similarity between the disputed domain names and the Complainant's trademarks. [WIPO Overview 3.0](#), section 1.11.1.

The Panel, therefore, finds that 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 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 the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. 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 names such as those enumerated in the Policy or otherwise.

The Panel notes that there seems to be no relationship between the Respondent and the Complainant and that the Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant’s YGGDRASIL and YGGDRASIL GAMING trademarks. There appears to be no element from which the Panel could infer the Respondent’s rights and legitimate interests in the disputed domain names, or that the Respondent might be commonly known by the disputed domain names.

The Panel also finds that the structure of the disputed domain names, which contains the Complainant’s YGGDRASIL and YGGDRASIL GAMING trademarks in their entirety (in combination with word “slot” in case of the disputed domain name <yggdrasilgaming-slot.site>) carries a risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1

Finally, the disputed domain names resolve to “Lazada” webpages offering registration for “Yggdrasil Gaming Slot” at a discounted price of IDR 50.000. Having in mind that there is no affiliation between the Respondent and the Complainant nor any authorization for the Respondent to offer the Complainant’s products (which are sold on highly regulated market), the Panel holds that such use of the disputed domain names under no circumstances can represent bona fide offering of goods and services.

Having in mind the above, 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 must have been aware of the Complainant and its YGGDRASIL and YGGDRASIL GAMING trademarks. It is highly unlikely that the Respondent decided to register domain names containing these trademarks in their entirety without having the Complainant in mind when doing so. Also, the choice of additional word “slot” in the disputed domain name <yggdrasilgaming-slot.site>, which is directly associated with the Complainant’s field of business, further indicates the Respondent’s awareness of the Complainant’s trademarks. Finally, the fact that the Respondent has used the disputed domain names to resolve to websites where it seems that one of the Complainant’s products is offered at a heavily discounted price leaves no room for doubt on the Respondent’s knowledge of the Complainant and its trademarks and evidences that the Respondent actually had the Complainant in mind when registering the disputed domain names.

Due to the above, the Panel finds that the disputed domain names have been registered in bad faith.

Further, the disputed domain names resolve to “Lazada” webpages offering registration for “Yggdrasil Gaming Slot” at a discounted price of IDR 50.000. As indicated previously, there is no connection between the Complainant and the Respondent, and the Respondent is not authorized by the Complainant to offer its products that are sold on highly regulated market. Consequently, such use of the disputed domain names by the Respondent cannot be observed as a use in good faith.

The Panel also considers that configuration of mail exchange records (MX records) on the disputed domain names can also contribute to the Respondent’s bad faith. Previous panels have held that configuration of such records can represent a severe risk of phishing or other fraudulent and abusive activities (see, for example, *Carrefour v. WhoisGuard, Inc.*, *WhoisGuard Protected / Robert Jurek, Katrin Kafut, Purchasing clerk, Starship Tapes & Records*, WIPO Case No. [D2017-2533](#) and *Accenture Global Services Limited v. WhoisGuard Protected, WhoisGuard, Inc. / Basikta James*, WIPO Case No. [D2020-2955](#)). In a situation where disputed domain names are confusingly similar to third-party trademarks that enjoy certain reputation within their field of business, it is indeed, rather difficult to imagine any good faith use of the mail server attached to such domain names. In the case at hand, the disputed domain names contain the Complainant’s YGGDRASIL and YGGDRASIL GAMING trademarks in their entirety and in combination with additional word “slot” in case of the disputed domain name <yggdrasilgaming-slot.site>, which makes a clear reference to the Complainant and its activities.

Therefore, the Panel finds that the disputed domain names have been both registered and are being used in bad faith, and consequently 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 names <yggdrasilgaming.pro> and <yggdrasilgaming-slot.site> be transferred to the Complainant.

/Stefan Bojovic/

Stefan Bojovic

Sole Panelist

Date: November 27, 2024