

ADMINISTRATIVE PANEL DECISION

Yggdrasil Malta Limited v. Host Master, 1337 Services LLC
Case No. D2024-4446

1. The Parties

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

The Respondent is Host Master, 1337 Services LLC, Saint Kitts and Nevis.

2. The Domain Name and Registrar

The disputed domain name <www.yggdrasilgaming.com> is registered with Tucows Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 29, 2024. On October 30, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 30, 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 October 31, 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 November 5, 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 November 6, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 26, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on November 27, 2024.

The Center appointed Mireille Buydens as the sole panelist in this matter on December 3, 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 Complainant currently has offices in Poland, Sweden, Gibraltar, United Kingdom, and Malta. The Complainant's business provides mainly Casino Slots, Table Games, and Bingo, and currently has over 150 games on the market.

The Complainant has acquired gambling licenses in many jurisdictions, e.g., United Kingdom ("UK") Gambling Commission, Malta Gaming Authority (MGA), and the gaming authority in Gibraltar, UK. The Complainant's gaming software is offered by recognized casinos, e.g. William Hill, Mr. Green, Betsson, Leo Vegas, Unibet, and Ladbrokes. The Complainant asserts that it is one of the industry's most respected and acclaimed suppliers and also won several prestigious awards in the gambling industry.

The Complainant owns various registrations for trademarks containing the word element YGGDRASIL, including the following:

- European Union Trade Mark No. 015691959 , for YGGDRASIL (word mark), registered on November 4, 2016;
- European Union Trade Mark No. 015059959, for YGGDRASIL GAMING (word mark), registered on July 20, 2016;
- European Union Trade Mark No. 017763699 for YGGDRASIL (word and design mark), registered on June 30, 2018

The Complainant is the owner of several domain name registrations containing the YGGDRASIL GAMING trademark, including <yggdrasilgaming.com> (registered on September 26, 2016).

The disputed domain name was registered on January 20, 2020. At the time of the filing of the Complaint, it redirected to the website "www.casinoscout.nl/software/yggdrasil/". At the time of the Decision, the disputed domain name still resolves to the same website. This website (in Dutch) presents itself as an independent website providing information on online casino's in the Netherlands and describes its services as follows: "CasinoScout.nl is a platform where Dutch people aged 18 and older can go to find all relevant information about online casinos in the Netherlands. This information covers the full spectrum: from online casino reviews to gaming guides, and from tests and surveys to the latest news stories. The goal of CasinoScout.nl is to provide a fair and transparent picture about the Dutch online casino market. By adhering to 10 key values and principles, CasinoScout.nl contributes to a responsible and honest gaming industry. CasinoScout.nl is a member of the KVA and GPWA. These are 2 important industry organizations committed to the integrity and professionalism of the online gambling industry." It further states that "All licensed online casinos are compared with each other so that we can give our visitors informed advice on the best gaming choices".

The Panel couldn't find any link (beyond the redirection) between Casinoscout.nl, which is owned by Topline Media Ltd, a company located in Malta, and the Respondent, which is Host Master, 1337 Services LLC, in Saint Kitts and Nevis.

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 contends that the disputed domain name is confusingly similar to the YGGDRASIL GAMING trademark as it incorporates the entirety of the Complainant's trademark YGGDRASIL GAMING. The prefix "www" does not prevent confusing similarity between the disputed domain name and the

YGGDRASIL GAMING trademark of the Complainant as browsers will automatically direct an Internet user that would type “www.yggdrasil.com” to the website under the disputed domain name. Such an addition of “www” (without dot) in a domain name can be seen as “typosquatting”. Furthermore, considering the brand awareness of the trademark YGGDRASIL and YGGDRASIL GAMING in the gaming industry, an Internet user would most probably assume a connection with or endorsement from the Complainant and its business when seeking information on a website with the disputed domain name. In particular in view of the fact that the Complainant’s official website is “www.yggdrasilgaming.com”. The Top-Level Domain “.com” has to be disregarded under the confusing similarity test as it is a technical requirement of registration.

In addition, the Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not affiliated nor related to the Complainant in any way, or licensed or otherwise authorized to use the YGGDRASIL trademark in connection with a website, email communication, or for any other purpose. The Respondent is not using the disputed domain name in connection with any bona fide offering of goods or services. The Respondent cannot conceivably claim that the Respondent is commonly known by the disputed domain name, particularly given that the YGGDRASIL trademark is exclusively associated with the Complainant. Given the renown of the Complainant’s YGGDRASIL trademark, it is simply not possible to conceive of any plausible actual or contemplated active use of the disputed domain name by the Respondent that would not be illegitimate, as it would inevitably result in misleading diversion and taking unfair advantage of the Complainant’s rights.

The Complainant contends that the Respondent registered and used the disputed domain name in bad faith because the Respondent, given the Complainant’s reputation and the presence of the YGGDRASIL and YGGDRASIL GAMING trademarks on the Internet, was or should have been aware of the YGGDRASIL GAMING trademark prior to registering the disputed domain name. The Respondent could not have chosen or subsequently used the word “yggdrasilgaming” for any reason than to trade-off the goodwill and reputation of the Complainant’s trademark or otherwise create a false association, sponsorship or endorsement with the Complainant. Furthermore, the inclusion of the prefix “www” (without dot) in the disputed domain name followed by a word element that is identical to the Complainant’s well-known trademark, is an indication of registration and use of bad faith.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy provides that the Complainant prove each of the following three elements in order to succeed in its Complaint:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name;
- (iii) the disputed domain name was 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 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.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the YGGDRASIL GAMING trademark is reproduced within the disputed domain name. The only difference between the YGGDRASIL GAMING trademark and the disputed domain name is the addition of the prefix “www”, which is commonly known as a generic element of a URL syntax. The mere addition of a term, such as “www”, does nothing to reduce the confusing similarity with a trademark. Further, the generic Top-Level Domain “.com” is a standard registration requirement and does not prevent the disputed domain name from being confusingly similar to the Trademark.

Accordingly, the disputed domain name is confusingly similar to the YGGDRASIL GAMING trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Based on the available record, 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 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 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 Panel therefore could not establish use of the disputed domain name (or demonstrable plans for such use) with a bona fide offering, nor that the Respondent was being commonly known by the disputed domain name.

The Panel notes that the disputed domain name redirects to a website (<casinoscouts.nl>) which seems to be a legitimate website comparing gaming software and services. This website presents itself as a member of the KVA and GPWA, which are two important industry organizations committed to the integrity and professionalism of the online gambling industry. The foregoing could in theory point to a fair use of the disputed domain name. However, in the case at hand, the Panel could not find any link between the website at <casinoscouts.nl> or its owner and Respondent. Besides, the Panel notes in particular that registering a domain name reproducing a well-known trademark with the prefix www (without dot) is inherently misleading.

UDRP panels have found that domain names containing a complainant’s trademark may carry a risk of implied affiliation. And even where a domain name consists of a trademark plus an additional term (at the second- or top-level), UDRP panels have largely held that such composition cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner. [WIPO Overview 3.0](#), section 2.5.1. In the present case, the composition of the disputed domain name suggests sponsorship or endorsement by the trademark owner. The Respondent’s use of the disputed domain name will therefore not be considered fair use.

Considering the foregoing, the Panel considers that it has not been established that the Respondent has rights or legitimate interests in the disputed domain name.

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, weighing all the evidence before it, finds that the Respondent has registered and is using the disputed domain name in bad faith.

First, the Panel notes that it is implausible, also given the nature and notoriety of the YGGDRASIL and YGGDRASIL GAMING trademarks, that the Respondent was not aware of these trademarks when registering the disputed domain name. This the more so that the disputed domain name contains the YGGDRASIL GAMING trademark in its entirety, preceded by the letters “www”, which is inherently misleading and suggests bad faith intent. An Internet user wanting to enter the domain name “www.yggdrasilgaming.com” and thereby omitting the dot between “www” and “yggdrasilgaming.com” will with many browsers be automatically directed to the website under the disputed domain name. This is because the browsers assume the user intentionally omitted the usual “www” and thus automatically “corrects” the domain name by prepending “www”, thus directing the user to the website “www.wwwyggdrasilgaming.com”.

The Panel further notes that the redirection of the disputed domain name to a legitimate website (“www.casinoscouts.nl”) does not preclude, as such, a registration and use in bad faith of the disputed domain name. In the case at hand, the website to which the disputed domain name redirects is apparently not owned, nor linked to the Respondent. The Respondent did not reply to the Complaint and, as a result, did not explain its link to such website or its owner. The Panel couldn’t find any link between <casinoscout.nl>, which is owned by Topline Media Ltd, a company located in Malta, and the Respondent, which is Host Master, 1337 Services LLC, in Saint Kitts and Nevis. Besides, in these circumstances the composition of the disputed domain name itself suggests bad faith, regardless of any redirection. Moreover, the Respondent appears to have been involved in many UDRP cases where the disputed domain name at stake was found to have been registered and used in bad faith. The registration and use of the disputed domain name therefore appears to be the latest in a long line of bad faith registrations on part of Respondent, construing a pattern of bad faith registration that further reinforces the overall impression of bad faith.

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 <wwwyggdrasilgaming.com> be transferred to the Complainant.

/Mireille Buydens/

Mireille Buydens

Sole Panelist

Date: December 13, 2024