Decision for dispute CAC-UDRP-102521

Case number	CAC-UDRP-102521
Time of filing	2019-06-07 14:50:40
Domain names	starstableglitch.xyz, starstableonlinehack.xyz, starstablestarcoinshack.xyz

Case administrator

Name	Šárka Glasslová (Case admin)

Complainant

Organization	Star Stable Entertainment AB

Complainant representative

Organization	SILKA Law AB

Respondent

Organization	PrivacyGuardian.org

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain names.

IDENTIFICATION OF RIGHTS

The Complainant relies on its STAR STABLE trademarks:

- American STAR STABLE trademark No 77876129, registered with registration number 3814190 on July 6, 2010;
- American STAR STABLE trademark No 86390932, registered with registration number 13204128 on January 13, 2015;
- American STAR STABLE trademark No 86655030, registered with registration number 14171326 September 21, 2015;
- European STAR STABLE trademark No 008696775, registered on April 5, 2010; and
- European STAR STABLE trademark No 013204128, registered on January 13, 2015.

It only provides as annexes the copies of the American cited trademarks.

Therefore, the decision shall rely only on these American trademarks.

The Complainant is the registrant of the domain names <starstable.com> created in 2007 and <starstable.org> created in 2012.

The Respondent is called PrivacyGuardian.org.

It registered the domains names <starstableglitch.xyz>, <starstableonlinehack.xyz>, <starstablestarcoinshack.xyz> on, respectively, February 5, February 8 and February 9, 2019.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant is a Sweden privately held company created in 2011 and operating the online horse game on the website www.starstable.com. The Complainant's services consist of taking care of a virtual horse, embarking on quests and participating in competitions.

Star coins are needed to buy accessories for the horses.

The Complainant's company developed its activities in Northern Europe, the US and the rest of the world.

These domain names resolve to three slightly different websites offering the possibility to hack the official STAR STABLE website and reproducing the STAR STABLE trademark with its very specific logo.

On the <starstableglitch.xyz> website, the internet users can download a software in order to hack the website www.starstable.com and get unlimited Star coins.

There is a video explaining how to hack the website. The first image on the video shows that the Respondent's website asks for the Star Stable login included the e-mail, the password and the country to enter into the non-official website.

On the right of the page, there are seven published posts untitled as follow "New star stable SC hack 2018 free download", "how to hack star stable get unlimited star coins tutorial.2018" or for instance "star stable star coins generator SSO 2018 *NEW*". Another post untitled "4 SSO Life Hacks 2018 // Star Stable Online" reproduces the exact same logo as the official Star Stable website on its tutorial video.

On the <starstableonlinehack.xyz> website, the title is "How to hack Star Stable get unlimited star coins tutorial 2018". Under the title, there is a link "Here > Star Stable Hack", followed by a tutorial video explaining how to hack the official website. In another video, the Respondent uses the exact same logo as the official Star Stable website.
Under the video, there are some instructions on how to proceed to get unlimited star coins.

On the <starstablestarcoinshack.xyz> website, the title is "Star Stable generator / 100% working unlimited online hack". Under the title, there is a video reproducing the exact same logo as the Star Stable website. On another video, it is shown a screenshot of the Respondent's website where it can be seen an example of the game being hacked.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant submits that the disputed domain names <starstableglitch.xyz>, <starstableonlinehack.xyz>, <starstablestarcoinshack.xyz> are confusingly similar to its STAR STABLE trademark.

The three disputed domain names incorporate the STAR STABLE trademark.

The Complainant submits that no authorization or license were granted to the Respondent to register a domain name incorporating its STAR STABLE trademark.

Furthermore, the Complainant submits that the Respondent has no right to encourage players to submit their personal Star Stable login and obtain Star Coins unlawfully by using the Respondent's website. These Star Coins must be paid on the Complainant's website.

The Complainant submits that the Respondent has no right to advise players to use a proxy to prevent being banned from the official game.

In conclusion, the Complainant asks for adequate measure in order to prevent further potential fraudulent attempts from the Respondent through the use of the domain names.

The Complainant asserts that the Respondent registered and is using the disputed domain names in bad faith. The Complainant claims the Respondent was aware of the Complainant and its website prior to registering the disputed domain names.

The Complainant submits that a motive for using a domain privacy service has been to increase the difficulty for the Complainant to identify the Respondent, which reflects bad faith.

The Complainant explains that the Respondent's website also advises users to use a proxy to prevent being banned from the official game, which clearly indicates the bad faith of the Respondent.

Additionally, the Complainant relies on WIPO Case No. D2015-2315 resembling the current case where the Respondent incorporated the term "hack". In this case, the Panel stated that: "The Panel considers that the references to a "hack" in connection with the Complainant's game also clearly indicates bad faith on the Respondent's part".

It asserts that the Respondent registered the disputed domain names <starstableglitch.xyz>, <starstableonlinehack.xyz>, <starstablecoinshack.xyz> in order to attract customers for commercial gain, deprived Complainant of its income, and disrupting Complainant's business, which cannot be considered as good faith of the use of the disputed domain names.

RIGHTS

Pursuant to paragraph 4(a)(i) of the Policy, the Complainant is required to prove that it has rights in a trademark or service mark, and that the disputed domain names are identical or confusingly similar to the Complainant's mark.

The Panel finds that the Complainant has established rights in the trademark STAR STABLE trademark, by virtue of its trademark registrations, details of which are set out above.

The disputed domain names <starstableglitch.xyz>, <starstableonlinehack.xyz>, <starstablestarcoinshack.xyz> incorporate the STAR STABLE trademark.

In the <starstableglitch.xyz> domain name, the generic term "glitch" was added to the STAR STABLE trademark. "Glitch" means "computer bug". It is a generic and pejorative term that gives a negative meaning to the STAR STABLE trademark and does not avoid the confusing similarity.

In the <starstableonlinehack.xyz> domain name, the generic and pejorative term "onlinehack" was added to the STAR STABLE trademark. This term explicitly indicates the Respondent's aim to hack the Complainant's game. It does not exclude the confusingly similarity between the STAR STABLE trademark and the disputed domain names. On the opposite, the Respondent targets the STAR STABLE trademark and wants to create a connection with the STAR STABLE trademark.

The same applies to the disputed domain name <starstablestarcoinshack.xyz> which is composed with the STAR STABLE trademark with the addition of the generic terms “starcoinshack”.

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are identical or confusingly similar to a trademark or service mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

Pursuant to paragraph 4(c) of the Policy, a respondent may establish rights to or legitimate interests in a domain name by demonstrating any of the following:

“(i) before any notice to it of the dispute, the respondent’s use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or

(ii) the respondent has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or

(iii) the respondent is making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain, to misleadingly divert consumers, or to tarnish the trademark or service mark at issue”.

The Complainant has made out a prima facie case that the Respondent has no rights or legitimate interests in the disputed domain names; that the Respondent is not known by the disputed domain names or any similar names; that the Respondent has used a privacy service to conceal his identity from the public.

The Complainant has not granted the Respondent the right to use the STAR STABLE mark as a domain name or for any purpose.

The Respondent has not been commonly known by the disputed domain names.

The Respondent is using the domain names at issue to resolve to websites reproducing the logo of the Complainant and offering “How to hack Star Stable and get unlimited star coins tutorial”. For this purpose, it asks the internet users to provide their personal data including login information on the Complainant’s website.

The disputed domain names incorporate the STAR STABLE trademark with the addition of generic terms which tarnish the STAR STABLE trademark. Their use is also clearly tarnishing the STAR STABLE trademark.

The Complainant is therefore entitled to succeed in the second element of paragraph 4(a)(ii) of the Policy.

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the disputed domain names (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

Paragraph 4(b) of the Policy sets out examples of circumstances that will be considered by a Panel to be evidence of bad faith registration and use of a domain name. It provides that:

“For the purposes of paragraph 4(a)(iii), the following circumstances, in particular but without limitation, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith:

(i) circumstances indicating that the respondent has registered or the respondent has acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the

respondent’s documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to your website or other on-line location, by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation, or endorsement of the respondent’s website or location or of a product or service on the respondent’s website or location.”

Given the content of the websites to which the disputed domain names resolve, the Respondent was well aware of the STAR STABLE trademark when it registered the disputed domain names.

The Respondent created the disputed domain names in order to attract STAR STABLE players to its respective websites. Its goal is to collect personal data and to disturb the economic model of the Respondent’s website.

Given the circumstances of the case, the disputed domain names were registered for the purpose of disrupting the business of the Complainant and for unlawful purposes. It constitutes bad faith registration.

The Respondent uses the exact same logo as the Complainant’s trademark and explicitly indicates how to hack the official website. The Respondent even claims to be a hacking website.

The Respondent’s use of a privacy service to shield his identity is another evidence of bad faith.

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names have been registered and are being used in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Confusing similarity

The disputed domain names incorporate the STAR STABLE trademark with the addition of generic terms. Its goal is to target the STAR STABLE trademark and to create a connection with these trademarks.

Therefore the disputed domain names are confusingly similar with the STAR STABLE trademark.

Absence of right or legitimate interest

The Respondent was not authorized to use the STAR STABLE trademarks and to register the disputed domain names.

Its use to offer the internet users to hack the Complainant's website disrupts the Complainant's business.

Bad faith registration and use

Given the content of the websites operated under the disputed domain names, the Respondent was well aware of the STAR STABLE trademark when it registered the disputed domain names.

The use of these disputed domain names for unlawful purposes constitutes bad faith use.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **STARSTABLEGLITCH.XYZ**: Transferred
2. **STARSTABLEONLINEHACK.XYZ**: Transferred
3. **STARSTABLESTARCOINSHACK.XYZ**: Transferred

PANELLISTS

Name	**Marie-Emmanuelle Haas, Avocat**

DATE OF PANEL DECISION 2019-07-24

Publish the Decision