

Decision for dispute CAC-UDRP-103872

Case number CAC-UDRP-103872

Time of filing 2021-06-17 16:11:29

Domain names wwestarstable.com

Case administrator

Organization Denisa Bilík (CAC) (Case admin)

Complainant

Organization Star Stable Entertainment AB

Complainant representative

Organization SILKA AB

Respondent

Name Wu Yu

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 name.

IDENTIFICATION OF RIGHTS

EUIPO trademark STAR STABLE, Reg. No. 008696775, registered April 5, 2010.

USPTO trademark STAR STABLE, Reg. No. 3814190, registered July 6, 2010.

FACTUAL BACKGROUND

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

The Complainant is a privately held company located in Sweden operating the online horse game “starstable.com”, which debuted in late 2012 and has players with active users in 180 countries and 11 languages. The Complainant has a significant presence on various social media platforms, such as Facebook, Youtube, Instagram, Google+ and Twitter.

The Complainant is the owner of the registered trademark STAR STABLE as a word mark in numerous countries including European trademark STAR STABLE, Reg. No. 008696775, registered April 5, 2010 and United States trademark STAR STABLE, Reg. No. 3814190, registered July 6, 2010, both of which predate the registration of the disputed domain name. The Complainant is also the registrant of the domain names <starstable.com> (created in 2007) and <starstable.org>

(created in 2012), which the Complainant uses to connect to websites through which it informs potential customers about its STAR STABLE mark, games and merchandise.

The disputed domain name <wwestastable.com> was registered on May 21, 2021. It is listed for sale via the platform SEDO for USD 800 which is in excess of what the out-of-pocket costs would be for the disputed domain name. It resolves randomly to webpages unrelated to the Complainant which, at times have been marked as suspicious. The content of the sites differs depending upon the location from which it is accessed.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name is 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

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 name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the disputed domain name has been registered and is 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

The disputed domain name wholly incorporates the Complainant's STAR STABLE mark, merely omitting the space between the two words and adding the letters "wwe" (a misspelling of the letters "www" used to access websites). These differences do not distinguish the disputed domain name from the Complainant's mark. The generic Top-Level Domain (gTLD), in this case ".com" is inconsequential and may be ignored. Therefore, the Panel finds the disputed domain name to be confusingly similar to the Complainant's trademark.

As to legitimacy, in the absence of any Response, the Panel accepts the Complainant's assertions that the Respondent, Wu Yu, is not known by the name "Star Stable"; does not appear to have any trademark rights associated with the term "Star Stable"; is not affiliated with nor authorized by the Complainant in any way and has not used the disputed domain name in connection with a bona fide offering of goods or services nor for a legitimate non-commercial or fair purpose. Hence the Panel finds the Respondent to have no rights or legitimate interests in respect of the disputed domain name.

As to bad faith, the Complainant has shown that STAR STABLE is a well-known trademark in the online video game industry. The Panel finds that the Respondent had the Complainant's mark in mind when registering the disputed domain name because it is a typosquatted version of the website address "www.starstable.com", which Internet users seeking the Complainant's website would be expected to enter into their browser. The Panel also accepts the Complainant's submission that there is no way in which the disputed domain name could be used legitimately by the Respondent. Consequently, the

Panel finds the Respondent to have registered and to be using the disputed domain name in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **WWESTARSTABLE.COM**: Transferred
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PANELLISTS

Name	Mr. Alan Lawrence Limbury
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DATE OF PANEL DECISION **2021-07-16**

Publish the Decision
