Decision for dispute CAC-UDRP-103206

Case number	CAC-UDRP-103206
Time of filing	2022-04-05 09:04:31
Domain names	starstablecoins.com

Case administrator

Organization	Denisa Bilík (CAC) (Case admin)

Complainant

Organization	Star Stable Entertainment AB

Complainant representative

Organization	SILKA AB

Respondent

Name	Adam Kaczynskie

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

The Complainant is the owner of the following trademarks:

(a) US word trademark STAR STABLE registered on 6 July 2010, reg. no. 3814190;

(b) US word trademark STAR STABLE registered on 25 August 2015, reg. no. 4798274;

(c) US trademark STAR STABLE (words plus design) registed on 26 April 2016, reg. no. 4944619; and

(d) EU word trademark STAR STABLE registered on 5 April 2010, application no. 008696775.

("Complainant's Trademarks").

The disputed domain name <STARSTABLECOINS.COM> was registered on 2 January 2022.

FACTUAL BACKGROUND

FACTUAL BACKGROUND

As the Respondent did not file any response to the complaint, the Panel took into account the following facts asserted by the Complainant (and supported by the documentary evidence submitted by the Complainant) and unchallenged by the Respondent:

(a) Founded in 2011 in Stockholm, Sweden, Complainant is the maker of the popular adventure game Star Stable Online – the currently #1 ranked and fastest-growing horse game in the world. Over the years Complainant has extended their product line to music, publishing and several apps. Star Stable Online is the exciting online game where adventures, horses, and mysteries are waiting to be explored. Complainant also operates an online shop webshop under https://shop.starstable.com/ and have numerous of live events. The Complainant has also a significant presence on various social media platforms, such as Facebook, Youtube, Instagram, Google+ and Twitter.

(b) The Complainant is the owner of Complainant's Trademarks.

(c) The disputed domain name was registered on 2 January 2022.

(d) Under the disputed domain name there is a website called: “Star Stable Coin Generator” - Star Stable players are invited to use Respondent’s software to hack and circumvent the game by use of a hack tool. By submitting their personal Star Stable login information on the website, players can, for instance, obtain unlimited Star Coins, i.e. in-game currency that would otherwise have to be bought through Complainant’s official game.

The Complainant seeks transfer of the disputed domain name to the Complainant.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

In addition to the above factual assertions, the Complainant also contends the following:

(i) Disputed domain name is confusingly similar to the Complainant’s Trademark as it includes the distinctive word element of Complainant's Trademarks ("Star Stable") and ads a non-distinctive term ("Coins").

(ii) The Respondent is not affiliated with the Complainant nor authorized by it in any way to use Complainant’s Trademarks. The Complainant does not carry out any activity for, nor has any business with the Respondent. There is no bona fide offering of goods or services where the domain name incorporates a trademark which is not owned by Respondent, nor is the Respondent commonly known by the name “Star Stable”. Therefore, the Respondent has no rights or legitimate interest in the disputed domain name.

(iii) STAR STABLE is a well-known trademark in the online video game industry. It is highly unlikely that Respondent was not aware of the rights Complainant has in the trademark and the value of said trademark, at the point of the registration. Respondent bears no relationship to the trademark and the disputed domain name has no other meaning except for referring to Complainant’s name and Trademarks. There is no way in which the disputed domain name could be used legitimately.

RESPONDENT:

The Respondent did not provide any response to the complaint.

RIGHTS

The Panel concluded that the disputed domain name is confusingly similar to the Complainant’s Trademark within the

meaning of paragraph 4(a)(i) of the Uniform Domain Name Dispute Resolution Policy ("UDRP" or "Policy").

For details, please see "Principal Reasons for the Decision".

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.

For details, please see "Principal Reasons for the Decision".

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.

For details, please see "Principal Reasons for the Decision".

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

Paragraph 4(a) of the Policy requires that the Complainant proves each of the following three elements to obtain an order that the disputed domain name should be transferred or revoked:

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights; and

(ii) the respondent has no rights or legitimate interests in respect of the disputed domain name; and

(iii) the disputed domain name has been registered and is being used in bad faith.

The Panel will proceed to analyze whether the three elements of paragraph 4(a) of the Policy are satisfied in this proceeding.

RIGHTS

The disputed domain name is confusingly similar to Complainant’s Trademark. The Panel fully agrees with the Complainant that the disputed domain name includes the word element of Complainant's Trademarks in its entirely and mere addition of a non-distinctive term "coins" is not sufficient to diminish such confusing similarity.

For sake of completeness, the Panel asserts that the top-level suffix in the domain name (i.e. the ".com") must be disregarded under the identity / confusing similarity test as it is a necessary technical requirement of registration. Therefore, the Panel concludes that the Complainant satisfied the requirement under paragraph 4(a)(i) of the UDRP.

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant is required to make out a prima facie case that the Respondent lacks rights or legitimate interests. Once such prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the UDRP (please see, for example, WIPO case no. D2003-0455, Croatia Airlines d.d. v. Modern Empire Internet Ltd.).

As asserted by the Complainant (and unchallenged by the Respondent), the Respondent is not commonly known by the disputed domain name. Neither is the Respondent in any way related to the Complainant. The Respondent failed to provide any information and evidence that it has relevant rights or legitimate interests in respect of the disputed domain name (within the meaning of paragraph 4(a) (ii) of the Policy).

As stated by the Complainant (unchallenged by the Respondent) the website under the disputed domain name purportedly provides some free "Star Coins" to be used as currency in the computer game produced by the Complainant which the users would otherwise have to buy. Such use certainly cannot be considered bona fide offering of goods or services which could constitute legitimate interest of the Respondent to the disputed domain name.

Therefore, the Panel concludes that the Respondent did not establish any right or legitimate interest to the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy).

BAD FAITH

The Panel agrees with the Complainant that the Respondent must have been aware of the Complainant's Trademarks upon registration and use of the disputed domain name as the Complainant's Trademarks were displayed at the website operated under disputed domain name and references to the computer game Star Stable produced by the Complainant were clearly made on such website.

Although there appears to be no commercial activity on such website, there is an opportunity for the users to obtain "free Star Coins" (i.e. the currency to be used within the game) after the users insert their game login details. The Complainant unfortunately does not establish whether such free coins are actually issued to the user or not after the user provides the login details. If the coins are issued, then the Respondent is clearly acting in bad faith by depriving the Complainant of the revenue that the Complainant would otherwise receive from the users for purchase of such coins. If no coins are actually issued to the users, then the purpose of the Respondent's website is most likely phishing, i.e. collecting personal data from the users under false pretences. One way or the other, the Respondent clearly acted in bad faith upon registration and use of the disputed domain name.

As a result, the Panel found that the disputed domain name has been registered and used by the Respondent in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **STARSTABLECOINS.COM**: Transferred

PANELLISTS

Name	**Michal Matějka**

DATE OF PANEL DECISION 2022-05-13

Publish the Decision