Decision for dispute CAC-UDRP-107370

Case number	CAC-UDRP-107370
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Domain names	gameforgelab.com

Case administrator

Organization	Iveta Špiclová (Czech Arbitration Court) (Case admin)

Complainant

Organization	Gameforge AG

Complainant representative

Organization	Grünecker Patent- und Rechtsanwälte PartGmbB

Respondent

Organization	EC Gladome Limited

Respondent representative

Organization	EC Gladome Limited

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 has rights in the GAMEFORGE trademark based on its ownership of the following registrations:

German Registered Trademark GAMEFORGE, registration number 30421964 registered on November 22, 2004, for goods and services in classes 9, 28 and 41;

EUTM, GAMEFORGE, registration number 005937181 registered on June 5, 2008, for goods and services in classes 9, 25, 26, 28, 35, 36, 38, 41 and 42;

UK Registered Trade Mark GAMEFORGE, registration number UK00905937181 registered on June 5, 2008 for goods and services in

classes 9, 25, 26, 28, 35, 36, 38, 41 and 42;

United States registered trademark GAMEFORGE, registration number 3,691,277, registered on the Principal Register on October 6, 2009, for goods and services in international classes 9, 38 and 41.

FACTUAL BACKGROUND

The Complainant is a provider of computer and online games and services; and claims rights in the GAMEFORGE trademark and service mark through its ownership of the above-listed registrations together with its international use of the mark in its computer and online games business, including on its website at www.gameforge.com.

The disputed domain name was registered on November 4, 2024, and resolves to a website that purports to provide training for computer and Internet game developers.

The Respondent provides training support services for developers of computer and online games.

PARTIES CONTENTIONS

Complaint

The Complainant submits that it owns numerous trademark registrations for the GAMEFORGE worldwide including those listed above, for use in relation to goods and services including computer and online games and related services.

Since it was established in 2003, the Complainant submits that it has grown to become one of the world's largest independent providers of online games. It asserts that it is active in over 75 countries and has around 450 million registered users.

The Complainant claims that it sent a cease-and-desist letter to the Respondent on December 30, 2024, with a reminder on January 17, 2025, but the Respondent did not respond to either; and the Complainant has not yet received any response from the Respondent to date.

Firstly, the Complainant alleges that the disputed domain name <gameforgelab.com> is confusingly similar to the Complainant's GAMEFORGE mark, as it fully incorporates the mark as its initial element, to which the relevant public pays more attention.

The Complainant further submits that the addition of the merely generic term "lab" is insufficient to exclude the risk of confusion with the Complainant's mark. It is contended that it is a well-established principle that descriptive or generic additions to a trademark do not avoid confusing similarity of domain names and trademarks (as held in, inter alia, Time Warner Entertainment Company L.P. v. HarperStephens, WIPO Case No. D2000-1254, concerning over 100 domain names including <harrypotterfilms.net>).

Similarly, Section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions Third Edition, ("WIPO Jurisprudential Overview 3.0") states "[w]here the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element".

It is further argued that the term "lab" will be understood by the relevant English-speaking public as a short form for "laboratory". In the connection with GAME FORGE and online games, the relevant public will consequently perceive the Respondent's website as a platform showcasing the Complainant's creative works, namely new games.

Additionally, the Complainant further argues that the generic Top-Level Domain ("gTLD") extension <.com> does not prevent a finding of confusing similarity.

Secondly the Complainant alleges that the Respondent has no rights or legitimate interest in the disputed domain name submitting:

- the Complainant has not authorized the Respondent to use the distinctive GAMEFORGE mark;
- there is no evidence of any use nor any demonstrable preparations thereof concerning any use of the disputed domain name with respect to a bona fide and legitimate offering of goods or services, according to Policy 4(c)(i).

Referring to a screen capture of the website to which the disputed domain name resolves which is exhibited in an annex to the Complaint, it is argued that to satisfy the requirement of a bona fide and legitimate offer of services, according to paragraph 4(c)(i) Policy, the Respondent's website must accurately disclose the Respondent's relationship with the Complainant and may not, for example, falsely suggest that it is operated by the Complainant or that the website is the Complainant's official site. See Houghton Mifflin Co. v. Weatherman, Inc., WIPO Case No. D2001-0211.

In the case at hand, not only does the Respondent fail to draw the line between itself and the Complainant, but on the contrary the Respondent is actively trying to create the impression of being the Complainant and/or to be connected to the Complainant.

Again, referring to the exhibited screen capture of the Respondent's website, the Complainant submits that on it the Respondent

provides comprehensive information for game developers. The information is available in 25 languages, including in English, German, Spanish, French, Italian or Czech; and the information overlaps with the Complainant's field of activity.

Furthermore, the exhibited screen capture shows that the Respondent is prominently using the designation GAME FORGE LAB, which is confusingly similar to the GAMEFORGE mark, throughout the entirety of the Respondent's website. At no time does the Respondent disclose that it is not affiliated with or otherwise economically linked to the Complainant, who is one of the world's biggest independent providers of online games.

Consequently, it is argued that there is an impermissible risk of user confusion through impersonation or at least through the creation of the false impression of a business relationship between the Complainant and the Respondent that ultimately serves the Respondent's commercial interests in the online games sector.

The Complainant contends therefore that the disputed domain name is being used to lure Internet users to the Respondent's website by creating the impression that services in the online video games sector are offered or endorsed by the Complainant on the website under the disputed domain name; and such use can never confer rights or legitimate interests on the Respondent.

Thirdly, and again referring to the exhibited screen capture of the website to which the disputed domain name resolves, the Complainant next alleges that the disputed domain name was registered and is being used in bad faith arguing that by using the disputed domain name the Respondent is creating the false impression that website to which it resolves is operated by the Complainant, or that the Respondent is otherwise economically connected to the Complainant.

In addition, the disputed domain name is being used in the gaming sector, without the Respondent providing any financial compensation and without making any significant efforts on its own and taking financial advantage of the Complainant's established reputation.

Therefore, the disputed domain name is being used by the Respondent for impersonation of the Complainant and using Complainant's reputation to lure Internet users to its website. The Complainant submits that it has been decided in prior cases established under the Policy that the impersonation of a complainant on the website under a disputed domain name, especially by placing the complainant's trademark on respective website, is a clear indication of a respondent's use of a domain name at issue in bad faith (see AGC Green-Tech Co., Ltd. v. Domains By Proxy, LLC, Case No. DNL2022-0024; Monsanto Technology, LLC v. BV intergroup trading, Case No. DNL2021-0022).

Moreover, the Complainant argues that by registering and using the disputed domain name that is confusingly similar to the GAMEFORGE marks the Respondent is intentionally attempting to attract Internet users by creating a confusion with the Complainant's GAMEFORGE marks for the purpose of generating traffic on the Respondent's website. Particularly in view of the importance and reputation of the Complainant as a well-known provider of high-quality online games, such abusive behavior on the part of the Respondent is extremely disruptive to the Complainant's business. The Complainant alleges that this is done by the Respondent with clear ambitions for commercial gain.

Finally, referring to copy documentation which has been exhibited in an annex to the Complaint, the Complainant submits that its affiliated company, Gameforge 4D GmbH, sent a warning letter to the Respondent on December 30, 2024 via email and courier and requested a response by January 15, 2025. The letter which was sent via courier could not be delivered because the Respondent could not be found under the address shown in the imprint section of the website to which the disputed domain name resolves.

The Complainant submits that it has made numerous attempts to make contact with the Respondent, but the Respondent did not reply. The Complainant submits that the failure of the Respondent to reply to the Complainant's endeavours to contact it must be taken into account when assessing the Respondent's acting in bad faith. The Complainant could not locate the Respondent at the address it has provided on the resolving website; and FedEx, informed the Complainant that the delivery of the Complainant's letter was not possible because the company does not exist at that address. The Complainant submits that thus, the Respondent is obviously concealing its identity by providing false contact details which constitutes bad faith for the purposes of the Policy. See Ladbroke Group Plc v. Sonoma International LDC, WIPO Case No. D2002-0131, <ladbrokespoker.com> et al.

Response

In Response, firstly, addressing the question of confusing similarity, the Respondent advances the following arguments in its defence:

- that the disputed domain name is structurally and conceptually different from the Complainant's GAMEFORGE trademark, arguing that <gameforgelab.com> consists of three distinct components: "game", "forge", and "lab"; that while "game" and "forge" appear in the Complainant's mark, the Respondents their presence in the domain name does not automatically establish similarity, as "lab" significantly alters the meaning and perception of the name; adding that the term "lab" conveys a separate conceptual identity—one that suggests experimentation, research, or development, rather than a direct reference to the Complainant's business;

- that a fundamental requirement for a finding of confusing similarity under the Policy is that the complainant's mark remains clearly recognizable in the disputed domain name, but "gameforge" is not clearly recognizable within the disputed domain name;

- that the addition of the element "lab" transforms the meaning of the disputed domain name, in a way that is unlikely that consumers would immediately associate it with the Complainant's brand;
- that the Complainant's argument that GAMEFORGE remains the dominant and recognizable element in the disputed domain

name, is an assumption that ignores the fact that the public does not dissect domain names into their component parts in the same way trademark professionals do, but instead assess domain names as a whole, and in case the inclusion of “lab” alters both the phonetic and conceptual impression.

Furthermore, the Respondent argues that the Complainant does not own exclusive rights to the words "game" or "forge" individually, both of which are common industry terms. The combination “game forge” is suggestive rather than inherently distinctive, making its presence in another domain name less likely to cause confusion, especially when accompanied by another distinct term like “lab.”

The Respondent adds that while the Complainant relies on the WIPO Overview 3.0, which states that descriptive, geographical, or meaningless additions do not eliminate confusing similarity, however this principle applies primarily when the addition does not materially alter the perception of the mark. In this case, "lab" is not a mere generic descriptor but a meaningful term – derived from “laboratory”, a concept that the Complainant acknowledges in the Complaint– that changes the context of the disputed domain name.

Unlike cases where domain names add generic terms like “shop,” “online,” or “info”, which do not change the core meaning, in this case the element “lab” suggests a different function or purpose. It suggests research, experimental, or developmental entity, which could apply to a variety of industries. The presence of this word moves “gameforgelab.com” further away from an exclusive reference to the Complainant’s GAMEFORGE brand.

The Respondent denies that there is any risk of consumer confusion due to differing perceptions and submits that the Complainant’s argument that consumers will perceive <gameforgelab.com> as related to the Complainant’s creative works is speculative. There is no evidence that the average consumer would make this assumption. Instead, the word “lab” as it was referred above suggests an independent entity focused on game development, testing, or technology research rather than “an official Gameforge entity” and the likelihood of confusion should be assessed in real-world usage.

The Respondent adds that precedents do not support the Complainant’s position, arguing that based on the structural, phonetic, and conceptual differences, as well as the distinct meaning created by the term "lab", the disputed domain name <gameforgelab.com> is not confusingly similar to the Complainant’s mark; and the public is unlikely to confuse the domain with the Complainant’s brand, as the addition of “lab” transforms the domain into a separate and independent entity. Accordingly, the first element required under the Policy is not met, and the Complaint should be denied.

Secondly, addressing the question as to whether the Respondent has rights or legitimate interests in the disputed domain name, the Respondent submits that its use of the disputed domain name is legitimate and independent and the Respondent’s website at www.gameforgelab.com provides comprehensive information for game developers, suggesting that it operates as an independent platform within the gaming industry.

The Respondent adds that the mere fact that the site operates in a similar industry as the Complainant does not automatically imply infringement or lack of legitimate interest—especially given that the elements "game" and "forge" are common industry terms.

Addressing specifically the Complainant’s arguments that the Complainant’s has not been authorized to use the Complainant’s marks, the Respondent argues that “Game Forge” is not an exclusive or unique identifier of the Complainant; it consists of two generic words frequently used in gaming contexts, meaning multiple parties can legitimately use such terminology without misleading the public or violating trademark rights.

The Respondent adds that the WIPO jurisprudence cited by the Complainant applies primarily to cases of clear impersonation, where a domain name directly mimics a trademark with minor variations (e.g., typo-squatting or the addition of common suffixes like "shop" or "online"). In contrast, “gameforgelab.com” presents itself as an independent entity with a different branding approach, making any claims of impersonation unfounded.

The Respondent denies that its website engages in misrepresentation or unfair competition as alleged by the Complainant and argues that there is no legal requirement under the Policy for every independent business operating in the same industry to explicitly disclaim non-affiliation, unless the domain name itself is inherently misleading (which is not the case here).

The Respondent submits that the Policy provides that a legitimate interest can be established by showing that the respondent is using the domain name for a bona fide offering of goods or services (UDRP 4(c)(i)), is commonly known by the domain name (Policy 4(c)(ii)), is making a legitimate noncommercial or fair use of the domain name (Policy 4(c)(iii)).

The Respondent argues that it satisfies each of these conditions because it operates an active website that provides resources for game developers, which constitutes a bona fide business model; there is no evidence that the Respondent registered the domain solely to exploit the Complainant’s goodwill or for resale; and the term “Game Forge” is not an exclusive identifier of the Complainant, meaning the Respondent can lawfully use it in a different context without infringing on the Complainant’s trademark rights.

Thirdly the Respondent denies that the disputed domain name was registered and is being used in bad faith, arguing that, as the Complainant also acknowledges, the disputed domain name was legally acquired. The Respondent adds that unlike cases where a domain name at issue directly copies a trademark with minor variations to deceive consumers, the disputed domain name <gameforgelab.com> does not attempt to mimic the Complainant’s official branding or website layout.

Moreover, it is contended that bad faith requires evidence that the Respondent deliberately registered the domain name with the intent to confuse users or exploit the Complainant’s goodwill. Here, there is no indication that the Respondent has engaged in deceptive marketing, misrepresented itself as the Complainant, or attempted to pass off its website as an official platform of the

Complainant.

Referring to the Complainant's website and the website to which the disputed domain name resolves, each of which is exhibited in the annexes to the Complaint, the Respondent argues that the two websites are entirely different and submits that the content of the Respondent's website does not mislead users or falsely imply any affiliation with the Complainant. Even their visual appearance is completely distinct, with absolutely no similarities. The Respondent adds that its website serves a different purpose, targeting game developers rather than consumers of online games.

The Respondent adds that the content and branding of the Respondent's website do not falsely represent it as the Complainant's official platform. Instead, it appears to be a distinct initiative aimed at game developers, which is a broader and more technical audience than the Complainant's target market of online game consumers. Merely operating in the same industry does not constitute bad faith or an illegitimate interest. Many businesses share common terminology or work in overlapping sectors without implying endorsement or affiliation.

The Respondent also denies that it is benefiting from the Complainant's reputation without financial compensation or effort. The Respondent adds that there is no evidence that the Respondent registered the disputed domain name with the intent to free-ride on the Complainant's brand recognition; and denies that the disputed domain name directly references the Complainant in a misleading way, nor does it falsely imply an official partnership or endorsement.

The Respondent also denies that the disputed domain name is being used to deceive users or unfairly capitalise on the Complainant's reputation.

The Respondent refutes as ungrounded and without evidence, the Complainant's allegation that the Respondent's website is attempting to "lure" users under the false pretence of being affiliated with the Complainant; that the Respondent is actively misleading consumers into believing that the Respondent's website at www.gameforgelab.com is an official website of the Complainant; that the Respondent is exploiting Complainant's reputation by engaging in deceptive practices such as copying branding elements, logos, or other distinctive features that uniquely identify the Complainant; or that its business model directly competes with or disrupts the Complainant's core business operations.

The Respondent adds that:

- there is no evidence has been provided that the Respondent is falsely representing itself as the Complainant, using its logos, or otherwise attempting to deceive users into believing they are interacting with the Complainant;
- the Respondent's website is distinguishable from the Complainant's platform in both branding and purpose, and the fact that both entities operate within the gaming industry does not automatically imply impersonation, especially when there is no active attempt to mislead consumers;
- the mere registration of a domain name containing common words related to an industry does not constitute bad faith, particularly when no direct evidence of confusion or deception is presented;
- the Respondent's website does not appear to be a competitor to the Complainant's business, nor does it actively disrupt or interfere with the Complainant's operations. The claim that the domain's existence is "extremely disruptive" to the Complainant is vague and unsupported;
- there is no evidence that the Respondent is profiting from the Complainant's reputation by engaging in misleading advertising, selling counterfeit products, or redirecting traffic to competing businesses, but that the Respondent is simply operating a website within the gaming sector does not establish bad faith intent.

Finally, the Respondent argues that the Complainant's argument that the Respondent's failure to respond to contact attempts and the alleged inaccuracy of the listed contact details constitute bad faith. The Respondent submits that the Complainant only sent two emails to the Respondent which do not constitute multiple contact attempts. Moreover, failing to respond to a complaint does not itself establish bad faith. Panels established under the Policy must assess bad faith based on objective evidence of intent to mislead or exploit a complainant's trademark, not solely on a lack of response.

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 the UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

Firstly, addressing similarity, the Complainant has provided uncontested convincing evidence that it has rights in the GAMEFORGE mark established by its ownership of the portfolio of trademark and service mark registrations described above.

The disputed domain name <gameforgelab.com> is composed of the Complainant's GAMEFORGE mark in combination with the descriptive word "lab "and the generic Top Level Domain ("gTLD") extension <.com>.

The Complainant's registered trademark is clearly recognisable as the initial and only distinctive element in the disputed domain name.

The addition of the descriptive word "lab" does not add any distinguishing character to the disputed domain name, nor does it prevent a finding that the disputed domain name is confusingly similar to the Complainant's mark.

In the circumstances of this case the gTLD extension <.com> within the disputed domain name may be ignored for the purposes of comparing the Complainant's mark and the disputed domain name, because it would be considered by Internet users to be a necessary technical element for a domain name registration.

It is well established that there is a low bar for a complainant to cross in order to satisfy the first element of the test in the Policy. Arguments such as those raised in the Response that the Respondent is engaged in a different business model to that of the Complainant are generally not considered in deciding the first element of the test in Policy paragraph 4(a)(i), but as in this present case are given full consideration in considering Policy paragraphs 4(a)(ii) and (iii) below.

This Panel finds therefore that the disputed domain name is confusingly similar to the GAMEFORGE mark in which the Complainant has rights and the and the Complainant has therefore succeeded in the first element of the test in Policy paragraph 4(a)(i).

Secondly, in the Complaint, the Complainant has made out a prima facie case that the Respondent has no rights legitimate interests in the disputed domain names as set out in Complainant's detailed submissions above.

In its Response the Respondent submits that its use of the disputed domain name is legitimate and independent and that the Respondent's website at www.gameforgelab.com provides comprehensive information for game developers, suggesting that it operates as an independent platform within the gaming industry.

The Respondent adds that the mere fact that the site operates in a similar industry as the Complainant does not automatically imply infringement or lack of legitimate interest—especially given that the elements "game" and "forge" are common industry terms.

The Respondent submits that the Policy provides that a legitimate interest can be established by showing that the Respondent is using the domain name at issue for a bona fide offering of goods or services (UDRP 4(c)(i)), is commonly known by the domain name at issue (Policy 4(c)(ii)), or is making a legitimate noncommercial or fair use of the domain name at issue (Policy 4(c)(iii)).

The Respondent argues that it satisfies each of these conditions because it operates an active website that provides resources for game developers, which constitutes a bona fide business model; there is no evidence that the Respondent registered the disputed domain name solely to exploit the Complainant's goodwill or for resale; and the term "Game Forge" is not an identifier that is exclusive to the Complainant, meaning the Respondent can lawfully use it in a different context without infringing on the Complainant's trademark rights.

Essentially, the Respondent's argument is that it has adopted three words namely "game", "forge" and "labs", which are descriptive of the Respondent's work supporting game designers and are commonplace in the games industry, and therefore it is entitled to use them in combination in the disputed domain name, notwithstanding the Complainant's registered trademark rights and established goodwill in GAMEFORGE as a trademark. The Respondent's case is that any anyone using those words in a domain name in a descriptive sense is entitled to claim that it has rights and legitimate interests in a subject domain name.

The WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0") at paragraph 2.5, is of assistance to this Panel in determining this issue: "2.5 What are some core factors UDRP panels look at in assessing fair use? Fundamentally, a respondent's use of a domain name will not be considered "fair" if it falsely suggests affiliation with the trademark owner; the correlation between a domain name and the complainant's mark is often central to this inquiry." (Emphasis added by the Panel).

And further the WIPO Overview 3.0 develops this statement paragraph at 2.5.1:

“2.5.1 The nature of the domain name

Generally speaking, UDRP panels have found that domain names identical to a complainant’s trademark carry a high risk of implied affiliation. 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. As described in more detail below and in sections 2.6 through section 2.8 (criticism sites, fan sites, nominative (fair) use by resellers or distributors) UDRP panels have articulated a broad continuum of factors useful in assessing possible implied sponsorship or endorsement.” (Emphasis added by the Panel)

Notwithstanding that the Respondent purports to be “targeting game developers rather than consumers of online games” in its business, as shown on the exhibited website to which the disputed domain name resolves, the Respondent also admits on a number of occasions in the Response that while “it operates a different business”, it is “operating in the same industry” as the Complainant.

The WIPO Overview at paragraph 2.10.1 expressly states that “[i]n order to find rights or legitimate interests in a domain name based on its dictionary meaning, the domain name should be genuinely used, or at least demonstrably intended for such use, in connection with the relied-upon dictionary meaning and not to trade off third-party trademark rights.” (Emphasis added by the Panel)

Having considered the submissions and evidence of the Parties, this Panel finds that due to the Complainant’s registered trademark rights and the reputation that the Complainant has established by its established use of GAMEFORGE, the joinder of the two, (admittedly individually descriptive), words “game” and “forge”, have elevated the combination to create among the relevant public, a strong inference that use of the mark and word GAMEFORGE in the computer games industry relates to the Complainant.

The use of the combination “gameforge” in the disputed domain name therefore suggests “affiliation with the trademark owner” as described in WIPO Overview 3.0 above and therefore on the balance of probabilities its use will “trade off third-party trademark rights”, namely the rights of the Complainant.

This Panel finds that Respondent has no rights or legitimate interests in the disputed domain name.

The Complainant has therefore succeeded in the second element of the test in Policy paragraph 4(a)(ii).

Thirdly and finally, with regards to the issue of the alleged registration and use of the disputed domain name in bad faith, the Complainant’s registered trademark GAMEFORGE mark is clearly recognizable as the only element within the disputed domain name, and the Respondent has acknowledged that the Complainant has a reputation as a retailer in the computer and online games industry.

The Complainant’s registered service mark rights in the mark predate the registration of the disputed domain name. The earliest trademark registration relied upon by Complainant is German Registered Trademark GAMEFORGE, registration number 30421964 registered on November 22, 2004, whereas the disputed domain name was not registered until on November 4, 2024.

The disputed domain name contains the Complainant’s mark in its entirety as the initial and dominant element, and the Complainant’s reputation within the computer and online games industry is admitted. Notwithstanding the descriptive character of the two elements “GAME” and “FORGE”, they combine within the Complainant’s GAMEFORGE mark to create a very distinctive combination of the words.

It is improbable that the registrant of the disputed domain name was unaware of the Complainant’s mark when the disputed domain name was chosen and registered.

The Respondent has admitted that notwithstanding the differences in the respective business models of the Complainant and the Respondent, are “operating in the same industry”.

This Panel accepts that there is a tenable argument that the Respondent’s offerings are not directly competitive with those of the Complainant. The Complainant is a retailer of games, whereas the Respondent is purporting to offer training and support to creators of games.

However, the addition of the word “labs” in the context of the disputed domain name infers research and development, as the Respondent has admitted, and as the Complainant has convincingly argued the addition of the word “labs” to the Complainant’s mark was on the balance of probabilities intended to create a domain name that inferred an association with the Complainant’s production of games.

There appears to be no plausible reason for registering the disputed domain name other than to create an association with Complainant and its GAMEFORGE mark.

On the balance of probabilities, therefore, this Panel finds that the disputed domain name was chosen and registered with the Complainant’s mark in mind with the intention of taking predatory advantage of Complainant’s rights and goodwill in the GAMEFORGE mark.

The uncontested evidence in the form of the screen capture of the website to which the disputed domain name resolves shows that the Respondent is purporting to offer training and support to Internet game developers.

At best therefore the Respondent is at best using the GAMEFORGE mark within the disputed domain name to create initial interest

confusion, which is an indicator of use in bad faith; or at worst by intentionally using the disputed domain name as the address of the website that purports to offer training “operating in the same industry” as the Complainant, the Respondent is intending to create confusion among Internet users.

In either case, on the balance of probabilities the Respondent’s use of the disputed domain name is intentionally intended to attract and confuse Internet users and cause them to divert their Internet traffic intended for the Complainant and misdirect it to the Respondent’s website by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent’s web site, which constitutes bad faith for the purposes of the Policy.

Finally, while the Respondent acknowledges that it received two email messages from the Complainant, it does not address the Complainant’s allegation that it is not possible to locate the Respondent at the address it has provided on the exhibited website to which the disputed domain name resolves; and that FedEx informed the Complainant that the delivery of the Complainant’s cease and desist letter was not possible because the Respondent does not exist at the provided address. This, taken with the fact that the Respondent has elected to avail of a privacy service to conceal its identity from the public on the published WhoIs for the disputed domain name is also indicative that the Respondent has registered and is using the disputed domain name in bad faith.

As this Panel has found that the disputed domain name was registered and is being used in bad faith, the Complainant has succeeded in the third element of the test in Policy paragraph 4(a)(iii).

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **gameforgelab.com**: Transferred

PANELLISTS

Name	**James Bridgeman**

DATE OF PANEL DECISION 2025-04-01

Publish the Decision