Decision for dispute CAC-UDRP-107354

Case number	CAC-UDRP-107354
Time of filing	2025-02-25 09:22:13
Domain names	runerealm.org

Case administrator

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

Complainant

Organization	Jagex Limited

Complainant representative

Organization	Stobbs IP

Respondent

Name	Alexander Kramer

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 submitted evidence that it is the owner of the following trademarks (hereafter together referred to as the "Trademarks", and each separately as a "Trademark"):

- RUNE (word) - United Kingdom IPO UK00911161239, for classes 16, 25, 36, 41, registered since 9 October 2013;
- RUNE (word) - European Union EUIPO 011161239, for classes 16, 25, 36, 41, registered since 9 October 2013; and
- RUNE (word) - European Union EUIPO 018622946, for classes 9, 16, 25, 28, 36, 41, registered since 20 May 2022.

FACTUAL BACKGROUND

The Complainant is a British company, incorporated on 28 April 2000, and active in the business of designing, developing, publishing, and operating online video games and other electronic-based entertainment.

The Complainant is the owner of the Trademarks mentioned above and has also provided evidence that it registered several domain names that include the word "RUNE", such as: <runescape.com>, <runefest.com>, <runescape.net>, and <runeservice.com>.

The Respondent is an individual, based in the Netherlands.

The disputed domain name was created on 20 December 2018.

PARTIES CONTENTIONS

COMPLAINANT'S CONTENTIONS:

The Complainant claims to be well-known internationally for its "Massively Multiplayer Online Role-Playing Games" (hereafter "MMORPG") named "RuneScape" and "Old School RuneScape" (hereafter the "Games"). The Complainant claims that its Games average more than 3 million active users per month since October 2022. The Complainant claims that its game "Old School RuneScape" has been recognised by the Guinness World Records for being the largest free-to-play MMORPG, with over several million accounts. The Complainant further claims that its Games have generated a significant level of endorsement on social media platforms.

According to the Complainant, "Old School RuneScape" was awarded "2019 EE Mobile Game of the Year" at the British Academy Games Awards, and maintains a "Metacritic" score of 87, a 4.8 rating (out of 5) on the iOS App Store, and 14,252 "Very Positive" user ratings on Steam.

The Complainant also uses a wide range of other "RUNE"-formative marks within and in association with "RuneScape", including "RuneFest", "Runebeard", "RuneCoins", etc.

The Complainant organizes an event called "RuneFest", of which the tenth edition was organized in March 2025, and for which 1.500 tickets have been sold.

The Complainant claims that its "RUNE" and "RUNESCAPE" brands have achieved a high level of recognition worldwide.

The Complainant claims that the disputed domain name is confusingly similar to the Complainant's Trademarks. The ".org" TLD suffix should be disregarded in the comparison. According to the Complainant, the disputed domain name includes the Complainant's Trademark(s) as the dominant element. The Complainant states: "The combination of 'RUNE' and 'REALM' does nothing to alter the impression generated by the Disputed Domain Name in the eyes of the average Internet user."

The Complainant further claims that the Respondent does not have any rights or legitimate interest in the disputed domain name. The Complainant asserts that the disputed domain name was registered to take advantage of the Complainant's rights and reputation. The Complainant states that, at the registration date of the disputed domain name (20 December 2018), the Complainant already had extensive rights (both registered and unregistered) in its "RUNE" and "RUNESCAPE" brands, with a notable online presence.

The Complainant claims that the Respondent uses the disputed domain name to offer a pirated version of the Complainant's "Old School RuneScape" game, which constitutes a violation of copyright and of the Complainant's End-User Licence Agreement ("EULA"). The Complainant submits that the Respondent has chosen the disputed domain name to take advantage of the goodwill generated by the Complainant's online video game business, without the Respondent having to incur its own advertising or branding expenditure.

The Complainant submits that the Respondent has never legitimately been known as "RUNE" at any point in time.

The Complainant claims that the disputed domain name has been registered and is being used in bad faith, for the following reasons.

The Complainant submits that the Respondent is free riding on the success of its "RUNE" and/or "RUNESCAPE" brand including by use of the Complainant's well-known in-game assets and promotional material, including:

- the website promotes a pirated copy of the "Old School RuneScape" game made available for download, the game being a direct copy of "Old School RuneScape";
- the wiki available at https://wiki.runerealm.org/ is a direct copy of the Complainant's official Old School RuneScape wiki; and
- the use of in-game icons, taken from "Old School RuneScape".

The Respondent tries to impersonate the Complainant's Games or otherwise intentionally uses the Complainant's copyright-protected works and adopts confusingly similar names and assets, with a view to diverting traffic from the Complainant's websites in order to promote a pirated copy of the "Old School RuneScape" game. The Complainant submits that the disputed domain name was registered with prior knowledge of the Complainant and its Trademarks.

Based on the Respondent's use of the "RUNE" mark, "RUNE"- formative naming structure and "RuneScape" assets to sell similar and

competing goods and services, the Respondent must have had actual knowledge of the Complainant's rights in the "RUNE"-brand.

The Complainant further submits that the Respondent disrupts the Complainant's business by diverting potential customers to his own website which offer similar and competing goods and services.

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

RESPONDENT'S 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.

Request for anonymization of the published decision

On April 2, 2025, the Respondent requested that his name and address be withheld from publication in the decision. The Respondent's request is based on the following concerns: (1) The Respondent originally used a Whois privacy service to protect his personal information; (2) The Respondent does not wish to be contacted by other potential or future respondents targeted by the Complainant; (3) The Respondent fears that publication may result in doxing or harassment; and (4) In a prior case (CAC-UDRP-106953, concerning the domain name <runewild.com>), the Panel granted anonymisation of the decision.

The Panel notes that Article 4.j of the Policy explicitly states: "All decisions under this Policy will be published in full over the Internet, except when an Administrative Panel determines in an exceptional case to redact portions of its decision."

The Policy governs the relationship between the Respondent and Namecheap, the registrar of the Disputed Domain Name. The Policy is incorporated by reference into the Respondent's registration agreement with the registrar and outlines the terms and conditions for resolving disputes between the Respondent and third parties such as the Complainant over the Disputed Domain Name.

The Respondent's concerns do not amount to "exceptional" circumstances (e.g., identity theft or similarly serious threats) that would justify redaction of the decision. Accordingly, the Panel finds no basis for anonymizing the decision.

For the sake of completenes, the Panel states that the adress and other contact information of the Respondent are not part of the published Panel decision.

PRINCIPAL REASONS FOR THE DECISION

Confusing similarity

The Complainant's Trademarks comprise the word element "RUNE". The disputed domain name consists of the word element

“RUNE”, the word “REALM”, and the generic top-level domain (gTLD) ".org".

Regarding the comparison between the word elements of the Complainant’s Trademarks (“RUNE”) and those of the Respondent’s disputed domain name (“RUNE” and “REALM”), the Panel notes that these word elements are indeed similar. More precisely, the Trademarks and the disputed domain name are identical for their use of the word element “RUNE”. The disputed domain name adds the word element “REALM”. This seems to be a common term used in the MMORPG genre of games for specific dimensions of the games. According to the evidence submitted by the Complainant, this word features in the Complainant’s Games. The Complainant’s claims in this regard were not contested by the Respondent. The Panel concludes that the addition of the word “REALM” does not add distinctiveness to the disputed domain name.

The Panel disregards the gTLD “.org” when assessing identity or confusing similarity.

The Panel accepts the Complainant’s assertion that the disputed domain name is confusingly similar to its registered Trademarks. The Panel takes regard of the fact that the Respondent did not dispute the Complainant’s claims.

The Panel concludes that the disputed domain name is confusingly similar to a trademark in which the Complainant holds rights within the meaning of paragraph 4(a)(i) of the Policy.

Rights or legitimate interests

As regards paragraph 4(a)(ii) of the Policy, while the overall burden of proof rests with the Complainant, it is commonly accepted that this should not result in an often-impossible task of proving a negative. Therefore, numerous previous panels have found that 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 burden of production shifts to the Respondent to come forward with appropriate allegations or evidence demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to come forward with such appropriate allegations or evidence, the Complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy. If the Respondent does come forward with some allegations or evidence of relevant rights or legitimate interests, the Panel then must weigh all the evidence, with the burden of proof always remaining on the Complainant.

The Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain name from the following facts:

There is no evidence that the Respondent is or has been commonly known by the disputed domain name or by the terms “RUNE” or “RUNEREALM”. The WHOIS information does not provide any information that might indicate any rights to use of the term “RUNE”.

The Respondent did not show to have any trademark rights or other rights in the term “RUNE”.

The Complainant’s Trademarks were registered and have been used well before the registration date of the disputed domain name. The disputed domain name was registered on 20 December 2018, whereas two of the Trademarks of the Complainant were registered in 2013.

The Respondent does not seem to have any consent or authorisation to use the Complainant’s Trademarks or variations thereof, in the disputed domain name or otherwise, and does not seem to be related in any way to the Complainant.

There is no evidence to show that the Respondent is making a legitimate non-commercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers. On the contrary, it appears that the Respondent is taking advantage of the Complainant's reputation and Trademarks to profit by offering pirated videogames through the disputed domain name and the webpage linked to it.

In sum, on the balance of probabilities, and in the absence of any evidence to the contrary or any administratively compliant response being put forward by the Respondent, the Panel finds that the Complainant has made a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name.

The Respondent did not submit a Response and did not contest the arguments and evidence submitted by the Complainant.

The Panel concludes that the Respondent does not have rights or legitimate interests in the disputed domain name.

Bad faith

It is evident that the Respondent had actual knowledge of the Complainant, its business and its Trademarks and had them in mind at the moment of registration and use of the disputed domain name. Two of the three Trademarks of the Complainant were registered well before the registration of the disputed domain name.

The Complainant claims that the Respondent uses the disputed domain name to exploit a pirated version of the Complainant’s “Old School RuneScape” game. While the Panel cannot check whether or not this is indeed a pirated version of the Complainant’s game, it clear to the Panel that the Respondent displays graphics on its website that are identical or at least highly similar to the graphics on the Complainant’s website. This element of fact, together with the use of the term “RUNE” in the domain name, indicates bad faith. Also, the Respondent did not contest any of the Complainant’s claims in this regard.

The Panel accepts that the Respondent intended to disrupt the Complainant’s business by diverting potential customers to his own website which offers similar and competing services, and most likely a pirated version of the Complainant’s videogame.

For all the reasons set out above, the Panel concludes that the Complainant did prove that the disputed domain name was registered and is being used 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. **runerealm.org**: Transferred

PANELLISTS

Name	**Bart Van Besien**

DATE OF PANEL DECISION 2025-04-07

Publish the Decision