Decision for dispute CAC-UDRP-107531

Case number	CAC-UDRP-107531
Time of filing	2025-05-05 10:12:57
Domain names	battle-scape.com

Case administrator

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

Complainant

Organization	Jagex Limited

Complainant representative

Organization	Stobbs IP

Respondent

Organization	GuardPrivacy.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 name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of numerous Trademarks for RUNESCAPE, inter alia, the European Trademark Registration 002942761 RUNESCAPE in classes 16, 25, 41 applied for on November 25, 2002 and registered on August 27, 2004, being in effect. The Complainant holds furthermore DARKSCAPE marks, inter alia the European Trademark Registration 018613417 DARKSCAPE in classes 9, 16, 25, 28,41 applied for on December 1, 2021 and registered on May 18, 2022, being in effect. The Complainant owns trademarks for RUNE, inter alia European Union Trademark registration RUNE 011161239, in cl. 16, 25, 36, 41, filed on September 4, 2012 registered on October 9, 2013 and in force until September 4, 2032.

FACTUAL BACKGROUND

The Complainant was incorporated in 2000 and has since then carried on the business of designing, developing, publishing, and operating online video games and other electronic-based entertainment. The Complainant is well-known internationally, inter alia, for its Massively Multiplayer Online Role-Playing Games RuneScape and Old School RuneScape. Together, these games average a total of more than 3 million active users per month since October 2022. Old School RuneScape has been recognised by the Guinness World Records for being the largest free-to-play MMORPG with over 300 million accounts.

The disputed domain name was registered on January 26, 2010.

PARTIES CONTENTIONS

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

The Complainant, inter alia, contends, that In addition to its extensive use of the RUNESCAPE and what he calls SCAPE-summative trade marks in relation to video games, large player-base, significant level of endorsement on social media, and critical acclaim, the Complainant also uses a wide range of other SCAPE-summative marks within and in association with RuneScape, including but not limited to In-game location: ScapeRune, In-game item: ScapeRune Teleport, In-game music tracks titled Scape Main, Scape Ape; Scape Cave, Scape Sad, Scape Original, Scape Wild, Scape Home, Scape Soft, Scape Bold Heroic, Scape Cave, Scape Dark and Scape Scared as well as a music track made available on SoundCloud: Scape Sorrow.

The Complainant contends that the disputed domain name „incorporates the RUNESCAPE trademark contracted as „SCAPE“.” The complainant cites decisions where the disputed domain name wholly incorporates a registered trade mark along with a generic word that describes its services. Complainant also cites CAC decision 105937 (<rune.game>, Jagex Limited ./. Adam McDonald). Furthermore, it contends that „SCAPE is a colloquialism used by users and fans of the games of the Complainant to commonly refer to them.” Also, the content of the website under the disputed domain name shall show copyright protected content of the Complainant’s game which shall be contributing to the assessment of the 1st element of the Policy.

With regard the 2nd element of the Policy, the Respondent has, inter alia, no legitimate interest in the domain name in question, since he was never authorised to use the trademark of the Complainant. The use of a pirated version does not constitute a bona fide offering for goods and services.

The domain name in question has been both acquired and is being used in bad faith as the Complainant was present for many years at the time of the registration of the disputed domain name and a pirated version of Complainant’s game is shown under the disputed domain name.

No administratively compliant Response has been filed.

The Respondent contacted the Provider on May 27, 2025 via email message stating this: “Hello I'm the domain owner of battle-scape.com. I've owned this domain for 13 years and never had to argue a case for it, so I'm having a little trouble following everything. This situation is new to me and I'm having trouble understanding what information is needed from me outside countering the dispute itself. As well, do I counter the dispute via email?”. The Provider replied to the Respondent with information about UDRP proceedings and information on how to access the online case file. According to the Provider´s records, the Respondent accessed the online platform on 27 May 2025, but no further communication was made by the Respondent.

RIGHTS

The Complainant has, to in view of the Panel, not shown that 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

In view of the domain name not being identical or confusingly similar to the substantiated rights of the Complainant, the panel must not further decide on rights or legitimate interests or an application and use in bad faith.

BAD FAITH

In view of the domain name not being identical or confusingly similar to the substantiated rights of the Complainant, the panel must not further decide on rights or legitimate interests or an application and use in bad faith.

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. In particular, since the email of the Respondent was not an administratively compliant response, Panel did not take the email into consideration.

PRINCIPAL REASONS FOR THE DECISION

In order to succeed in its claim, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied:

(i) The 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 with respect to the domain name; and

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

A. Identical or Confusingly Similar

The Complainant has established the fact that it has valid trademark rights for „RUNESCAPE“ and „DARKSCAPE“ for several countries.

However, in view of the Panel, the disputed domain name is not confusingly similar to the RUNESCAPE or DARKSCAPE marks of the Complainant. Whereas the element „battle“ in the disputed domain name would in view of its descriptive character for a video game not prevent a finding of a confusing similarity, the Panel does not see a confusing similarity between RUNESCAPE or DARKSCAPE on the one hand and SCAPE, or <battle-scape.com>, on the other. If you consider „SCAPE“ as an element of RUNESCAPE or DARKSCAPE at all, it is not alone carrying the weight of such marks. This is also true in view of the further trademark applications „RUNE“ being registered for the Complainant without any further element and accordingly being considered distinctive as such by the trademark offices. Complainant’s trademarks „RUNE“ were the legal basis for the cited decision „rune.game“ above.

Furthermore, Complainant has in view of the Panel not sufficiently substantiated any non-registered trademark for „SCAPE“ alone, both with respect to a use for goods or services and with regard to its extent and understanding of the relevant customer circles.

The Panel therefore considers the domain name not be confusingly similar to the RUNESCAPE or DARKSCAPE marks of the Complainant, which were the only available rights in the present case, in which the Complainant has demonstrated rights in accordance with paragraph 4(a)(i) of the Policy.

B. and C. Rights or Legitimate Interests and Registered and Used in Bad Faith

In view of the domain name not being identical or confusingly similar to the substantiated rights of the Complainant, the Panel must not further decide on rights or legitimate interests or an application and use in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

1. **battle-scape.com**: Remaining with the Respondent

PANELLISTS

Name	**Dietrich Beier**

DATE OF PANEL DECISION 2025-06-17

Publish the Decision