Decision for dispute CAC-UDRP-107852

Case number	**CAC-UDRP-107852**
Time of filing	**2025-08-19 09:43:27**
Domain names	**happy-rune.net**

Case administrator

Name	**Olga Slanařová (Case admin)**

Complainant

Organization	**Jagex Limited**

Complainant representative

Organization	**Stobbs IP**

Respondent

Name	**Martynas Pra**

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 Complaint is submitted in the name of Jagex Limited, the owner of various RUNE-formative and RUNESCAPE trademark registrations, some of which are listed below:

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

Complainant also owns a number of domain names which incorporate the RUNE and RUNESCAPE trademarks and which resolve to active websites. Examples include <runefest.com>, <runescape.net>, and <runeservice.com>.

FACTUAL BACKGROUND

The disputed domain name <happy-rune.net> was created on 30 January 2025. The Panel has exercised its general powers under paragraph 10 of the Rules to undertake limited factual research into matters of public record by visiting the website to which the disputed domain name resolves. As of the time of preparing this decision, the disputed domain name resolves only to a blank page.

However, according to the Complaint, it previously resolved to a website offering a pirated version of the Complainant's Old School RuneScape game. According to the information on the case file, the Registrar confirmed that the Respondent is the current registrant of the disputed domain name and that the language of the registration agreement is English.

On 13 August 2025, the instant Complaint was filed. The facts asserted in the Complaint are not contested by the Respondent because no Response was filed.

PARTIES CONTENTIONS

COMPLAINANT

The Complainant was incorporated on 28 April 2000 as Jagex Limited and since then has carried on the business of designing, developing, publishing, and operating online video games and other electronic-based entertainment.

The Complainant is well-known internationally for its Massively Multiplayer Online Role-Playing Games ("MMORPG") RuneScape and Old School RuneScape , (collectively, the "Games"). Together, the 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 Complainant owns the domain name <runescape.com>, which has resolved to an active website relating to online video games since at least as early as 17 August 2000.

In addition to <runescape.com>, the Complainant has acquired various further domain names which incorporate the RUNE and RUNESCAPE trade marks and which resolve to active websites.

The Complainant asserts trademark rights in the term "RUNE" established by registrations that pre-date the disputed domain name. The Complainant also cites numerous previous UDRP decisions that have recognized its substantial goodwill and reputation in the "RUNE" and "RUNESCAPE" brands. The Complainant argues that the disputed domain name is confusingly similar to its trademark because it incorporates the "RUNE" mark in its entirety as the dominant element. It submits that the additional term "HAPPY" is a non-distinctive descriptor that does not distinguish the domain name and would lead Internet users to believe the domain is associated with the Complainant.

The Complainant asserts that the Respondent is using the disputed domain name to direct to a website offering a pirated version of its Games. This use cannot be considered a bona fide offering and constitutes a deliberate and abusive attempt to gain commercially from the goodwill of the Complainant's mark. Further, the Complainant asserts that creation and use of the pirated version of the game, constitutes a violation of the Complainant's End User License Agreement ("EULA") and applicable copyright laws The Complainant states that the Respondent has never been legitimately known as "RUNE." It argues that the only reason the Respondent registered the disputed domain name was to take advantage of the Complainant's reputation and goodwill. The Complainant argues that the use of the disputed domain name is not legitimate or non-commercial, as the Respondent is using it to promote a pirated copy of the official Games for financial gain via an online store.

The Complainant asserts the Respondent was unequivocally aware of its "RUNE" and "RUNESCAPE" brands at the time of registration, given the deliberate impersonation of the Complainant's in-game assets, mechanics and branding on the website. Such actual knowledge prior to the registration of the disputed domain name evinces bad faith under paragraph 4(a)(iii) of the Policy.

The Complainant argues that the Respondent is free riding on the Complainant's success by promoting a pirated copy of the Complainant's Games. This use of a confusingly similar domain name is intended to divert traffic from the Complainant's websites to the Respondent's site for commercial gain.

The Complainant maintains that the Respondent is disrupting its business by attracting and diverting potential customers to a competing site that offers similar goods and services, which supports a finding of bad faith under paragraph 4(b)(iii) and (v) of the Policy..

The Complainant thus urges that the disputed domain name be transferred to it.

RESPONDENT

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

THREE ELEMENTS THE COMPLAINANT MUST ESTABLISH UNDER THE POLICY

According to Paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements to obtain an order that a disputed domain name should be transferred or cancelled:

(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 has examined the evidence available to it and has come to the following conclusions concerning the satisfaction of the three elements of paragraph 4(a) of the Policy in these proceedings:

(A) THE COMPLAINANT'S RIGHTS AND CONFUSING SIMILARITY OF THE DISPUTED DOMAIN NAME TO THE COMPLAINANT'S RIGHTS

The first element of the Policy requires the Complainant to have rights to a trademark or service mark which is identical or confusingly similar to the disputed domain name.

Sufficient evidence has been submitted by the Complainant of its registered trademark rights in the mark "RUNE," in various jurisdictions, including the European Union and the United Kingdom. These rights were established and registered well before the registration of the disputed domain name <happy-rune.net>. It is well established that a nationally or regionally registered trademark confers on its owner sufficient rights to satisfy the requirement of having trademark rights for the purposes of standing to file a UDRP case.

The disputed domain name, <happy-rune.net>, incorporates the Complainant's mark "RUNE" in its entirety. The addition of the descriptive element "happy" together with a hyphen does not prevent a finding of confusing similarity. The Panel finds that the Complainant's trademark remains clearly recognizable within the disputed domain name, and that the inclusion of the additional term and hyphen in this instance is insufficient to dispel confusing similarity.

The top-level domain ("TLD") may usually be ignored for the purpose of determining identity or confusing similarity between a domain name and the Complainant's trademark, as it is a technical requirement of registration (see Paragraph 1.11.1 WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition "WIPO Overview 3.0"). Hence, the ".net" TLD may be disregarded for the purpose of determining this first element, and only the "happy-rune" portion of the disputed domain name shall be considered.

The Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy and that the disputed domain name is confusingly similar to the Complainant's "RUNE" trademark.

Accordingly, the Complainant has satisfied the first element of the Policy.

(B) THE RESPONDENT'S RIGHTS OR LEGITIMATE INTERESTS IN THE DISPUTED DOMAIN NAME

The second element of the Policy requires that the Complainant establish that the Respondent has no rights or legitimate interests in the disputed domain name. The generally adopted approach by UDRP panels, when considering the second element, is that if a complainant makes out a prima facie case, the burden of proof shifts to the respondent to rebut it; see WIPO Overview 3.0, Section

2.1 ("...panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the often impossible task of 'proving a negative', requiring information that is often primarily within the knowledge or control of the respondent.

As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence 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 Policy. However, the burden of proof still remains with the Complainant to make out its prima facie case on a balance of probabilities.

Moreover, the wording of paragraph 4(a)(ii) of the Policy requires a complainant to establish that the respondent has no rights or legitimate interests in the domain name in issue. Simply establishing that the Complainant also has rights in the domain name in issue is insufficient.

Paragraph 4(a)(ii) of the Policy contemplates an examination of the available facts to determine whether a respondent has rights or a legitimate interest in the domain name. Further, Paragraph 4(c) sets out a list of circumstances through which a respondent may demonstrate that it does have such rights or interests.

The first circumstance, under Paragraph 4(c)(i), is where "before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services". Here, the evidence submitted by the Complainant shows that the website at the disputed domain name was being used to mislead consumers by offering a pirated version of the Complainant's game Old School RuneScape. Although the website does not identically copy the Complainant's official website, it uses the Complainant's RUNE trademark in a manner likely to mislead consumers into believing that the site is operated, sponsored, or otherwise endorsed by the Complainant. According to screenshots submitted with the Complaint, the website associated with the disputed domain name includes the following disclaimer: "Trademarks and brands are the property of their respective owners. Happy-Rune is not affiliated with Jagex or RuneScape". As such, the disclaimer includes an explicit admission that the Respondent is aware of the Complainant and its well-established marks and Games. The Panel finds that the Respondent has - at least - copied key elements of the Complainant's Games, and offered it to subscribers through the disputed domain name. Such conduct is not a bona fide use and does not establish legitimate rights or interests under the second element of the Policy, despite the disclaimer of affiliation on the website. Further, conduct that is in breach of an EULA or infringing on copyright similarly fails to establish rights or legitimate interests. Accordingly, the Panel finds no evidence of a bona fide offering of goods or services or demonstrable preparations to use per Policy 4(c)(i), and Respondent does not have rights or legitimate interests with respect to the domain name thereunder.

The second circumstance, under Paragraph 4(c)(ii), concerns cases where the respondent is commonly known by the domain name. Here, according to the registrar verification, the Respondent is identified as Martynas Pra from Lithuania, a name with no connection to "happy-rune" or the Complainant's RUNE or RUNESCAPE brands. The Complainant has presented evidence of its well-established and widely recognized RUNE brand, and there is no evidence that the Respondent is commonly known by the disputed domain name. As such, this second circumstance of legitimate rights or interests is not applicable.

Regarding the third circumstance, under Paragraph 4(c)(iii) of the Policy, there is no evidence 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. According to the evidence submitted, the disputed domain name resolved to an active website, showing an online game with similarities to Complainant's Games for illegitimate financial gain, taking advantage of the Complainant's significant goodwill and reputation, including enabling purchases on the site through its online store. No categories of fair use, such as commentary, news reporting, or educational use, apply here. The Panel therefore concludes that there is no legitimate non-commercial or fair use on the part of the Respondent.

Accordingly, the Complainant has sufficiently made out its prima-facie case on the second element of the Policy. Thus, the burden of proof is shifted to the Respondent to rebut the Complainant's case. Here, because the Respondent has not participated in these proceedings and has not provided any evidence, therefore the complainant is deemed to have satisfied the second element.

The Panel therefore concludes that neither the Respondent nor the evidence establishes that the Respondent has any right or legitimate interest in the disputed domain name. The Complainant has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

(C) BAD FAITH REGISTRATION AND USE OF THE DISPUTED DOMAIN NAME

The third element requires the Complainant to show that the disputed domain name has been registered and used in bad faith under paragraph 4(a)(iii) of the Policy. Further, Paragraph 4(b) of the Policy sets out four circumstances, in particular but without limitation, any one of which may be evidence of the registration and use of a domain name in bad faith. The four specified circumstances are:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the respondent has registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to the respondent's website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the site or location.

The Panel finds that the Complainant has shown that the Respondent registered and used the disputed domain name in bad faith under paragraph 4(a)(iv) of the Policy for the reasons as set out below.

The Complainant's RUNE trademark is distinctive and enjoys a considerable reputation in connection with the Complainant's Games and related services worldwide. Such a reputation is evidenced by the longevity of the Complainant's use of its trademarks and the large global community of hundreds of millions of players engaging with the Complainant's Games. Because of the well-established status of the Complainant, it is more probable than not that the Respondent either knew, or should have known, that the disputed domain name would be confusingly similar to the Complainant's trademarks and thus registered the disputed domain name with the Complainant in mind. This is even more compelling when one considers the nature of the disputed domain name, its previous use in association with an online game website. The disputed domain name entirely incorporates the Complainant's RUNE trademark. This is clearly intended to make the disputed domain name closely resemble the Complainant's trademarks.

This conclusion is supported by the fact that the disputed domain name wholly incorporates the Complainant's trademark. In addition, the Respondent included a disclaimer on its website stating that it is "not affiliated with Jagex or RuneScape." Mentioning Complainant's name and trademark establishes that the Respondent was aware of the Complainant's identity, its Games and the associated trademarks when they registered the disputed domain name. According to prior UDRP panels, a mere disclaimer does not prevent a finding of bad faith where other circumstances support such a conclusion (see Paragraph 3.7, WIPO Overview 3.0). In this instance, rather than negating bad faith, the Panel finds the disclaimer constitutes an admission by the Respondent that users of the site may be confused about its providence.

The Panel is persuaded that Complainant's Games and trademarks are well known in its field. The Complainant submitted evidence indicating that the Respondent could be using some copyright elements which belong to the Complainant. For instance, the Respondent's game includes references to elements which feature in Complainant's Games such as "Invention"; "Clues"; "Raids"; and "Quests". On the balance of probabilities, the Panel finds that the Respondent registered the disputed domain name being fully aware of the Complainant's rights and with the intent to attract Internet users to its website by creating a likelihood of confusion as to source, sponsorship, affiliation, or endorsement, and to disrupt the Complainant's business. Such conduct clearly constitutes bad faith under Paragraph 4(b)(iii) and (v) of the Policy.

In these circumstances the Panel finds the disputed domain has been registered and is being used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **happy-rune.net**: Transferred

PANELLISTS

Name	**Claire Kowarsky**

DATE OF PANEL DECISION 2025-09-26

Publish the Decision