Decision for dispute CAC-UDRP-107955

Case number	CAC-UDRP-107955
Time of filing	2025-09-19 07:48:10
Domain names	scapedark.com

Case administrator

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

Complainant

Organization	Jagex Limited

Complainant representative

Organization	Stobbs IP

Respondent

Name	Frank Gattuso

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 or SCAPE trademark registrations, some of which are listed below:

- DARKSCAPE (word) – European Union IPO 018613417, covering Nice Classifications 9, 16, 25, 28, 41, registered since 18 May 2022; and
- RUNESCAPE (word) - United Kingdom IPO UK00002302308, covering Nice Classifications 16, 25, 41, registered since 27 December 2002.

Complainant also owns a number of domain names which incorporate the RUNE and RUNESCAPE trademarks and some of which resolve to active websites since 2000. Examples include <runescape.com>; <runescape.net>; <06scape.com>; and <2007scape.com>.

FACTUAL BACKGROUND

The disputed domain name <scapedark.com> was created on 3 February 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 15 September 2025, the Complaint was filed. The facts asserted in the Complaint are not contested by the Respondent because no Response was filed.

PARTIES CONTENTIONS

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

THE COMPLAINANT

The Complainant was incorporated on 28 April 2000 under the name Jagex Limited and has since been engaged in the design, development, publication, and operation of online video games and other electronic entertainment products.

The Complainant is internationally recognised for its Massively Multiplayer Online Role-Playing Games ("MMORPG") RuneScape and Old School RuneScape (together, the "Games"), which collectively attract more than 3 million active users per month. Since October 2022, Old School RuneScape has been listed by Guinness World Records as the world's largest free-to-play MMORPG, with over 300 million registered accounts.

The Complainant owns the domain name <runescape.com>, which has hosted an active website relating to online video games since at least 17 August 2000.

In addition to <runescape.com>, the Complainant has acquired a number of other domain names incorporating the RUNE and RUNESCAPE trademarks.

The Complainant relies on its trademark rights in the term "DARKSCAPE" and the term "RUNESCAPE", established through registrations predating the disputed domain name. The Complainant also refers to several prior UDRP decisions acknowledging its substantial goodwill and reputation in the "SCAPE" and "RUNESCAPE" brands. It argues that the disputed domain name is confusingly similar to its marks because it is the inverted version of the "SCAPEDARK" registered trademark and the inversion does nothing to alter the impression generated by the disputed domain name in the eyes of the average internet user.

The Complainant alleges that the Respondent is using the disputed domain name to host a website offering a pirated version of its Games. Such use cannot constitute a bona fide offering and represents a deliberate and abusive attempt to profit from the goodwill attached to the Complainant's marks. The Complainant further submits that creating and distributing a pirated version of the Games violates its End User License Agreement ("EULA") and applicable copyright law. It states that the Respondent has never been authorised to use any of the trademarks "SCAPE", "DARKSCAPE" or "RUNE" or known under such names and that the domain name was registered solely to exploit the Complainant's reputation and goodwill. The Complainant argues that the Respondent registered the disputed domain name in order to take advantage of the goodwill generated by the Complainant's well-established and successful online video game business, without the Respondent having to incur its own advertising or branding expenditure.

The Complainant maintains that the Respondent unequivocally aware of the RUNESCAPE brand, and DARKSCAPE and SCAPE marks, given the Respondent's deliberate impersonation of the Complainant's RUNESCAPE brand, DARKSCAPE and SCAPE marks, and the Complainant's RuneScape and Old School RuneScape in-game assets and mechanics. Such actual knowledge at the time of registration amounts to bad faith under paragraph 4(a)(iii) of the Policy.

According to the Complainant, the Respondent is free-riding on its success by promoting a pirated version of the Games. The 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 further asserts that the Respondent is disrupting its business by diverting potential customers to a competing site offering similar goods and services, which supports a finding of bad faith under paragraphs 4(b)(iii) and 4(b)(v) of the Policy.

Accordingly, the Complainant requests the transfer of the disputed domain name.

RESPONDENT

No administratively compliant response was 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

Paragraph 15 of the Rules states that the Panel shall decide a Complaint on the basis of the statements and documents submitted and in accordance with the Policy, the Rules and any rules and principles of law deemed applicable.

In the case of default by a Party, Rule 14 states that if a Party, in the absence of exceptional circumstances, does not comply with a provision of, or requirement under the Rules, the Panel shall draw such inferences therefrom as appropriate.

In the present case, the Respondent has not submitted any Response and consequently has not contested any of the contentions made by the Complainant.

The Panel proceeds therefore to decide only on the basis of the Complainant's factual statements and the documentary evidences provided in support of them.

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

The first element requires showing that the Complainant holds trademark rights in a mark that is identical or confusingly similar to the disputed domain name.

The Complainant has provided sufficient evidence of its registered trademark rights in the marks DARKSCAPE, RUNESCAPE and SCAPE across various jurisdictions, including the European Union and the United Kingdom. These registered rights were established well before the Respondent registered the disputed domain name <scapedark.com>. It is well settled that ownership of a nationally or regionally registered trademark constitutes sufficient rights for the purposes of standing to file a UDRP complaint.

The disputed domain name <scapedark.com> incorporates the Complainant's SCAPE trademark in its entirety as the dominant element, merely reversing the order of the descriptive components of the Complainant's DARKSCAPE mark. Reordering the terms "SCAPE" and "DARK" does not eliminate confusing similarity. The Panel finds that the Complainant's marks remain clearly recognisable within the disputed domain name.

Under established UDRP principles, the top-level domain (".com") is disregarded for the purpose of assessing confusing similarity. Therefore, only the "scapedark" element is relevant for this analysis.

The Panel concludes that the Complainant has satisfied paragraph 4(a)(i) of the Policy and that the disputed domain name is confusingly similar to the Complainant's registered trademarks.

(B) THE RESPONDENT'S RIGHTS OR LEGITIMATE INTERESTS

Under the second element, the Complainant must establish that the Respondent lacks rights or legitimate interests in the disputed domain name. UDRP panels generally accept that once a complainant makes out a prima facie case, the burden of production shifts to the respondent; see WIPO Overview 3.0, section 2.1.

Here, the Complainant has demonstrated that:

- the Respondent is not authorised by the Complainant;
- the Respondent is not commonly known by the name "scapedark";
- the Respondent is using the disputed domain name in a manner that trades on the Complainant's trademarks and reputation.

Indeed, the evidence shows that the disputed domain name has been used to direct Internet users to content misappropriating elements of the Complainant's trademarks and goodwill. Such use is misleading and cannot qualify as a bona fide offering of goods or services.

Use of a domain name that incorporates a complainant's trademark in this way—particularly when the domain appears designed to evoke the Complainant's DARKSCAPE or RUNESCAPE brands—does not establish legitimate rights or interests.

Furthermore, Registrar information identifies the Respondent under a personal name that bears no resemblance to "scapedark". There is no evidence that the Respondent has ever been commonly known by the disputed domain name or any similar designation. This circumstance therefore does not apply.

Finally, the Respondent's use of the disputed domain name is clearly commercial in nature and intended to divert Internet users for financial gain. There is no evidence of commentary, criticism, news reporting, or any other category of fair use.

The Panel therefore finds that the Respondent lacks any legitimate non-commercial interest.

As the Respondent has not submitted any response, the Complainant's prima facie case stands unrebutted. The Panel concludes that the Respondent has no rights or legitimate interests in the disputed domain name under paragraph 4(a)(ii).

(C) BAD FAITH REGISTRATION AND USE

The third element requires the Complainant to show that the disputed domain name was registered and used in bad faith under paragraph 4(a)(iii).

Paragraph 4(b) of the Policy lists non-exhaustive circumstances indicative of bad faith, including where the Respondent intentionally attempts to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's marks.

The Complainant's trademarks DARKSCAPE, RUNESCAPE and SCAPE are distinctive and well established in connection with the Complainant's online games. Given their long-standing use and international reputation, it is more likely than not that the Respondent knew of the Complainant and its marks at the time of registration.

The disputed domain name <scapedark.com> is an inversion of the Complainant's DARKSCAPE trademark, a pattern which strongly suggests intentional targeting of the Complainant. Such deliberate rearrangement of trademark components is a recognised indicator of bad faith under the Policy.

The Respondent's use of the domain name—designed to evoke the Complainant's marks and divert traffic to competing or misleading content—constitutes conduct falling squarely within paragraph 4(b)(iv): intentionally attempting to attract, for commercial gain, Internet users by creating a likelihood of confusion as to affiliation, sponsorship, or endorsement.

Furthermore, such conduct disrupts the Complainant's business, which supports a finding of bad faith under paragraph 4(b)(iii) and (v).

Accordingly, the Panel concludes that the disputed domain name was registered and is being used in bad faith under 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. **scapedark.com**: Transferred

PANELLISTS

Name	**Hana Císlerová**

DATE OF PANEL DECISION 2025-11-05

Publish the Decision