Anonymized decision for dispute CAC-UDRP-108307

Case number	CAC-UDRP-108307
Time of filing	2026-01-14 09:55:38
Domain names	vidyascape.org

Case administrator

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

Complainant

Organization	Jagex Limited

Complainant representative

Organization	Stobbs IP

Respondent

Name	[redacted]

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 submitted evidence, which the Panel accepts, showing that it is the registered owner of the following trademarks among others:

- the UK trademark SCAPE (figurative) (registration n°UK00004247316) dated November 21, 2025;

- the UK trademark RUNESCAPE (registration n°UK00002302308) dated December 27, 2002;

- the EU trademark DARKSCAPE (registration n°018613417) dated May 18, 2022.

Moreover, the Complainant is also the owner of the domain names bearing the sign “RUNESCAPE” and “SCAPE” such as the domain name <runescape.com> registered since August 17, 2000 and others such as <runescape.net>; <06scape.com>, <2007scape.com>.

FACTUAL BACKGROUND

The Complainant, JAGEX LIMITED, is a company operating worldwide in designing, developing, publishing, and operating online video games and other electronic-based entertainment since 2000. The Complainant is well-known internationally 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 and Old School RuneScape has been recognised by the Guinness World Records for being the largest free-to-play Massively Multiplayer Online Role-Playing Game with over 300 million accounts.

The Complainant holds the trademark registration “RUNESCAPE” and “SCAPE” and domain name bearing “RUNESCAPE” and “SCAPE”.

On December 17, 2017; the Respondent registered the disputed domain name <vidyascape.org>. It redirects to an Internet page offering the users a video game.

PARTIES CONTENTIONS

COMPLAINANT:

THE DISPUTED DOMAIN NAME IS CONFUSINGLY SIMILAR

The Complainant says that it owns rights in the RUNESCAPE and SCAPE marks and also referred to earlier panel decisions. It claims that "SCAPE" is a commonly used term by its game users and that its trademarks will immediately come to mind when Internet users see the "SCAPE" mark used online. The Complainant claims that the disputed domain name is confusingly similar to the Complainant’s trademarks “RUNESCAPE”, “SCAPE” and other SCAPE-formative trademarks as it bears the Complainant’s “SCAPE” trademark as a whole and the addition of the non-distinctive term “VIDYA” is not sufficient to avoid likelihood of confusion.

Additionally, the Complainant requests that the Panel omit the TLD suffix ‘.org’ when assessing the disputed domain name as it is merely a technical requirement used for domain name registrations.

NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

The Complainant asserts that the Respondent was not commonly known by a disputed domain name.

The Complainant contends that the Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant submits that nothing about the disputed domain name suggests that it is being used by the Respondent legitimately or for non-commercial and fair use.

The Complainant also submits that the Respondent is using the disputed domain name to resolve to a website offering a pirated version of the Complainant's Old School RuneScape game and advertising themselves as “The Most Complete 2007 Recreation Ever”, referring to being a pirated recreation on the Complainant’s Games. The Complainant refers to prior panel decisions that have consistently held use of a domain name for illegal activity (e.g., the sale of counterfeit goods or illegal pharmaceuticals, phishing, distributing malware, unauthorised account access/hacking, impersonating/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent (WIPO Overview 3.0, paragraph 2.13.1).

The Complainant states that the Respondent’s activity cannot constitute fair use as it’s in pursuance of promoting an illegal activity, therefore the Respondent cannot benefit from a defence of fair use. Additionally, given the competitive use of the disputed domain name, the Respondent does not satisfy any of the above-mentioned grounds under Policy, Paragraph 4(c).

THE DISPUTED DOMAIN NAME WAS REGISTERED AND IS USED IN BAD FAITH

The Complainant reiterates the submissions made above that the trademarks significantly pre-date the registration of the disputed domain name and the Complainant enjoys a substantial reputation in the RUNESCAPE brand. Furthermore, it is claimed that the Respondent was unequivocally aware of the RUNESCAPE brands, given the Respondent’s deliberate impersonation of the Complainant’s RUNESCAPE brand and the Complainant’s RuneScape and Old School RuneScape in-game assets and mechanics.

The Complainant submits that the Respondent is free riding on the success of the RUNESCAPE brand including by use of the Complainant’s well-known in-game assets and promotional material, providing evidence to support this claim.

The Complainant submits that the only plausible explanation is the Respondent’s service impersonates 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 their RUNESCAPE brand as evidenced by the substantial similarity of in-game assets, naming conventions, and art style, with a view to taking advantage of the attractive power of those brands to consumers of online video games.

The Complainant claims that based on the Respondent’s use of the RUNESCAPE mark and RuneScape assets to sell similar and competing goods and services, the Respondent has actual knowledge of the Complainant’s rights in the RuneScape Brands at the time of registering the disputed domain name.

The Complainant further submits that the Respondent disrupts the Complainant’s business by diverting potential customers to the

Website which offer similar and competing goods and services. Using a confusingly similar domain name in a manner disruptive of a Complainant's business by trading upon the goodwill of a Complainant for the commercial gain evinces bad faith under paragraph 4(b)(iii) and (v) of the Policy.

In view of the distinctive nature of the RUNESCAPE brand, the colossal scope of the Complainant's business, and the substantial evidence of the Respondent copying/impersonating the Complainant, the Complainant claims that the Respondent's actual knowledge of the RUNESCAPE brand at the time of registration of the disputed domain name is unequivocal, and there is no plausible reason why the Respondent registered the disputed domain name in question other than to target the Complainant and its SCAPE and RUNESCAPE trademarks.

Based on the submissions above, the Complainant maintains that the disputed domain name was registered and used in bad faith. Consequently, all elements of the Policy are satisfied.

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

Paragraph 15 of the Rules provides that the Panel is to decide the 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 that it deems applicable.

In this context, the Panel also notes that the burden of proof is on the Complainant to make out its case and past UDRP panels have consistently said that a Complainant must show that all three elements of the Policy have been made out before any order can be made to transfer a domain name.

For the Complainant to succeed it must prove, within the meaning of paragraph 4(a) of the Policy, that:

- the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

- the Respondent has no rights or legitimate interests in respect of the disputed domain name; and

- the disputed domain name has been registered and is being used in bad faith.

The Panel will therefore deal with each of these requirements in turn.

IDENTICAL OR CONFUSINGLY SIMILAR

The Policy simply requires the Complainant to demonstrate that the disputed domain name is identical or confusingly similar to a trademark in which the Complainant has rights. The Panel is satisfied that the Complainant is the owner of registration of “RUNESCAPE” and “SCAPE” trademarks.

According to WIPO Overview 3.1., the fact that “SCAPE” trademark is registered after the registration of the domain name does not bear a significance in the assessment of the first element as it is clearly states as follows: “the fact that a domain name may have been registered before a complainant has acquired trademark rights does not by itself preclude a complainant’s standing to file a UDRP case, nor a panel’s finding of identity or confusing similarity under the first element.”

The Panel finds that the disputed domain name is confusingly similar to the Complainant’s “SCAPE” trademark and the addition of the word “VIDYA” is not sufficient to vanish the similarity.

Moreover, the addition of the gTLD “.ORG” is not enough to abolish the similarity.

The Panel is of the opinion that the Internet users may fall into false impression that the disputed domain name is one of the domain names of the Complainant, which are numerous already. The Panel recognizes the Complainant's rights and concludes that the disputed domain name is confusingly similar with the Complainant's trademark. Therefore, the Panel concludes that the requirements of paragraph 4(a)(i) of the Policy is provided.

NO RIGHTS OR LEGITIMATE INTERESTS

Under paragraph 4(a)(ii) of the Policy, the complainant has the burden of establishing that the respondent has no rights or legitimate interests in respect of the domain name.

It is open to a respondent to establish its rights or legitimate interests in a domain name, among other circumstances, by showing any of the following elements:

(i) before any notice to the respondent of the dispute, the use or making 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; or

(ii) the respondent of the dispute (as an individual, business, or other organization) has been commonly known by the domain name, even if it has acquired no trademark or service mark rights; or

(iii) the respondent of the dispute is making a legitimate non-commercial or fair use of the domain name, without an intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

Thus, if the respondent proves any of these elements or indeed anything else that shows that it has a right or legitimate interest in the domain name, the complainant will have failed to discharge its burden of proof and the complaint will fail. The burden is on the complainant to demonstrate a prima facie case that the respondent does not have rights or legitimate interests in the domain name. Once the complainant has made out a prima facie case, then the respondent may, inter alia, by showing one of the above circumstances, demonstrate rights or legitimate interests in the domain name.

It is understood from the explanations of the Complainant that the Respondent and the Complainant have no relationship or agreement on the use of the disputed domain name. The Complainant also submitted that the Respondent’s use of the disputed domain name does not amount to non-commercial or fair use and that the Respondent is using the disputed domain name to resolve to a website at offering a pirated version of the Complainant's Old School RuneScape game. In the absence of a response, the Panel considers that the Respondent has no authorization to use the Complainant’s trademarks in the disputed domain name.

From the submissions of the Complainant, it can be seen that some icons and visuals used in the Respondent’s game were the icons used in the Complainant's game and upon review by the Panel a number of them look to be the same. Overall, the Panel finds that there is evidence that the Respondent had at the least copied various elements from the Complainant's Old School RuneScape game, if not based its game on the Complainant's game, for the purpose of offering it to its users via the disputed domain name. Such illegal conduct does not amount to bona fide use and cannot support a case that the Respondent has legitimate rights or interests for the purposes of the second element of the Policy. This is even so considering that the Respondent states in its website that it is a recreation of 2007 despite stating that Vidyascape was launched in 2014, which may allude that the game offered is a recreation of another game, potentially RuneScape. In any event, the Complainant's RUNESCAPE mark was registered in 2002 long before that date and enjoys substantial reputation based on long and established use. This use also appears to extend to the abbreviation "SCAPE" to refer to the Complainant's game by the users as also found in previous panel decisions (see in CAC-UDRP-107593 <boom-scape.com>).

Hence, as the Complainant has made out its prima facie case, and as the Respondent has not demonstrated any rights or legitimate interests as illustrated under paragraph 4(c) of the Policy, nor has the Panel found any other basis for finding any rights or legitimate interests of the Respondent in the disputed domain dame, the Panel concludes that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

BAD FAITH

The Panel concludes that the Complainant's “RUNESCAPE” and “SCAPE” trademarks are of distinctive character. Therefore, the Panel is of the opinion that due to the earlier rights of the Complainant in the trademarks, the Respondent, was aware of the Complainant and its trademark at the time of registration of the disputed domain name (see e.g., Ebay Inc. v. Wangming, WIPO Case No. D2006-1107). Referring to Parfums Christian Dior v. Javier Garcia Quintas and Christiandior.net, WIPO Case No. D2000-0226, the Panel believes that the awareness of the Complainant’s trademark at the time of the registration of the disputed domain name is to be considered an inference of bad faith registration.

As set out above, the disputed domain name resolves to a website which has various elements copied from the Old School RuneScape game. Using the disputed domain name containing the "SCAPE" mark to direct Internet users to its website featuring various copied elements and or even a pirated copy of the Complainant's game corresponds to using the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s trade marks as to the source, sponsorship, affiliation or endorsement of the website under paragraph 4(b)(iv) of the Policy and it shows the registration and use of the disputed domain name in bad faith.

The Respondent did not provide any evidence of any possible good faith use of the disputed domain name.

Therefore, in light of the above-mentioned circumstances in the present case, the Panel finds that the disputed domain name has been registered and is being used in bad faith and that the Complainant has established the third element 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. **vidyascape.org**:

PANELLISTS

Name	**Mrs Selma Ünlü**

DATE OF PANEL DECISION 2026-02-20

Publish the Decision