

## **ADMINISTRATIVE PANEL DECISION**

Tripledote Studios Limited v. SHINJIRU INTERNATIONAL INC.  
Case No. DIO2023-0010

### **1. The Parties**

The Complainant is Tripledot Studios Limited, United Kingdom, represented Tyz Law Group PC, United States of America (“United States”).

The Respondent is SHINJIRU INTERNATIONAL INC., Malaysia.

### **2. The Domain Name and Registrar**

The disputed domain name <woodoku.io> is registered with Name.com, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 21, 2023. On March 22, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 23, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name which differed from the named Respondent (woodoku.io LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 24, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amended Complaint on March 28, 2023.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .IO Domain Name Dispute Resolution Policy (the “Policy”), the Rules for .IO Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .IO Domain Name Dispute Resolution Policy (the “Supplemental Rules”).

In accordance with the Rules, paragraphs 2 and 4, the Center formally notified the Respondent of the Complaint, and the proceedings commenced on March 30, 2023. In accordance with the Rules, paragraph 5, the due date for Response was April 19, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on April 21, 2023.

The Center appointed Andrea Mondini as the sole panelist in this matter on April 28, 2023. The Panel finds that it was properly constituted. The Panel has submitted the Statement of Acceptance and Declaration of Impartiality and Independence, as required by the Center to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant is a mobile games studio that has developed casual mobile games such as solitaire app and several puzzle games since as early as 2017. The Complainant provides a game under the trademark WOODOKU on mobile platforms such as iOS and Android, and originally released this game on mobile storefronts on March 2, 2020.

The Complainant owns several registrations of the trademark WOODOKU, *inter alia*, the United States trademark no. 6,292,505, registered on March 16, 2021 and the European Union Trade Mark no. 018483851, registered on September 22, 2021.

The disputed domain name was registered on June 5, 2022.

The disputed domain name resolves to a site providing an imitation of the WOODOKU game that was not developed by the Complainant but nevertheless uses the WOODOKU trademark.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant contends as follows:

The disputed domain name is identical to the WOODOKU trademark in which the Complainant has rights.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has intentionally designed its website to mislead consumers into thinking that the game posted under the disputed domain name is a browser-based version of the Complainant's established mobile game. In addition to falsely claiming its browser-based game was "developed by Tripledote Studios Limited" on its website, the Respondent's website also uses a confusingly similar version of the Complainant's stylized logo.

The Respondent is not commonly known by the disputed domain name, has not been authorized by the Complainant to use this trademark and there is no evidence of the Respondent's use, or demonstrable preparation to use, the disputed domain name in connection with a bona fide offering of goods and services.

The disputed domain name was registered and is being used in bad faith because it is obvious that the Respondent had knowledge of both the Complainant and its trademark WOODOKU at the time it registered the disputed domain name; by using the disputed domain name, the Respondent intentionally attempted to attract, for commercial gain, Internet users to the Respondent's website 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 of a product or service on the Respondent's website.

##### **B. Respondent**

The Respondent did not reply to the Complainant's contentions.

#### **6. Discussion and Findings**

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the trademark or service mark in which the complainant has rights;

- (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 or is being used in bad faith.

### **A. Identical or Confusingly Similar**

The Panel is satisfied that the Complainant owns trademark registrations for its WOODOKU trademark.

The Panel notes that the disputed domain name incorporates the WOODOKU trademark in its entirety.

The addition of the country-code Top-Level Domain “.io” in the disputed domain name is a standard registration requirement and as such is disregarded under the confusing similarity test under Policy, paragraph 4(a)(i). See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)), section 1.11.1<sup>1</sup>.

For these reasons, the Panel concludes that the disputed domain name is identical to the Complainant’s mark WOODOKU.

The first element of paragraph 4(a) of the Policy has been met.

### **B. Rights or Legitimate Interests**

The Complainant states it has not authorized the Respondent to use the trademark WOODOKU, that the Respondent is not commonly known by the disputed domain name and that before notice of the dispute, there is no evidence of the Respondent’s use, or demonstrable preparation to use, the disputed domain name in good faith. The Panel does not see any contrary evidence from the record.

In the view of the Panel, the Complainant has succeeded in raising a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. For its part, the Respondent failed to provide any explanations as to any rights or legitimate interests. Therefore, the Panel finds that the Respondent does not have any rights or legitimate interests in the disputed domain name.

The Panel also finds that the disputed domain name carries a high risk of implied affiliation with the Complainant, as it incorporates the Complainant’s trademark WOODOKU in its entirety. See [WIPO Overview 3.0](#), section 2.5.1.

The second element of paragraph 4(a) of the Policy has been met.

### **C. Registered or Used in Bad Faith**

In the view of the Panel, noting that the Complainant’s trademark predates the registration of the disputed domain name and the content posted on the Respondent’s website under the disputed domain name, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant’s trademark. In the circumstances of this case, this is evidence of registration in bad faith.

Even if the requirement for registration and use in bad faith is not cumulative under the Policy, the Panel will analyze the bad faith use of the disputed domain name as well. The Complainant has shown that the disputed domain name resolves to a site featuring the trademark WOODOKU in a style that is confusingly similar to the stylized logo used by the Complainant and providing what appears to be an imitation of the WOODOKU game. The Panel thus finds that by using the disputed domain name, the Respondent has

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<sup>1</sup> The Panel notes that the Policy is similar to the Uniform Domain Name Dispute Resolution Policy (the “UDRP”). Thus, the Panel, has referred to the [WIPO Overview 3.0](#), where appropriate.

intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion as to the source, sponsorship or affiliation of its website in the sense of paragraph 4(b)(iv) of the Policy.

The Panel thus finds that the disputed domain name was registered and is being used in bad faith.

The third element of paragraph 4(a) of the Policy has been met.

## **7. Decision**

For the foregoing reasons, in accordance with paragraphs 4(i) of the Policy and 15 of the Rules, the Panel orders that the disputed domain name, <woodoku.io>, be transferred to the Complainant.

*/Andrea Mondini/*

**Andrea Mondini**

Sole Panelist

Date: May 5, 2023