

ADMINISTRATIVE PANEL DECISION

NealFun Inc. v. Edmunds Gaidis, Domdevelo OU

Case No. D2026-0483

1. The Parties

The Complainant is NealFun Inc., United States of America (“US”), represented by MGL LLP, US.

The Respondent is Edmunds Gaidis, Domdevelo OU, Estonia.

2. The Domain Name and Registrar

The disputed domain name <neil.fun> is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on February 4, 2026. On February 5, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 5, 2026, 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 (Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on February 6, 2026, 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 February 6, 2026.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy” or “UDRP”), the Rules for Uniform Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for Uniform 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 February 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was March 1, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on March 2, 2026.

The Center appointed Rebecca Slater as the sole panelist in this matter on March 6, 2026. 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 US corporation run by a video game designer and programmer. The Complainant registered the domain name <neal.fun> on August 12, 2017. The website at <neal.fun> currently hosts 36 online games, including “The Deep Sea” (which has 10 million views).

The Complainant has a trade mark registration for NEAL.FUN (US Trade Mark Registration No. 7565294, registered November 12, 2024). The Complainant’s registration cites a date of first use of October 26, 2017.

The Complainant contends that it also has common law trade mark rights in NEAL.FUN through long-standing and extensive use since 2017. The Complainant provided some evidence demonstrating use of the trade mark as a source identifier (such as evidence of the Complainant’s domain name registration, a reference to “neal.fun” in a 2020 industry publication and a 2020 blog post, and trade mark registration information for NEAL.FUN (which includes a 2017 first use date, which the Complainant would have provided evidence in support of at the time of filing its trade mark application)).

The Respondent is an individual apparently located in Estonia. The Respondent did not submit a response, and consequently little information is known about the Respondent.

The disputed domain name was registered on August 13, 2018. The disputed domain name resolves to a website that displays pay-per-click (“PPC”) links relating to online games. At the time of the Complaint, the links were titled “Interactive Browser Games”, “Unlocked Games” and “Browser-based Games”.

5. Parties’ Contentions

A. Complainant

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

Notably, the Complainant contends that:

- The Complainant’s registered and common law trade mark is clearly recognizable in the disputed domain name, despite being misspelled. The words “Neal” and “Neil” have the same pronunciation. “NEAL.FUN” is not a word or phrase in normal or regular speech. It is a unique, fanciful and distinctive trade mark. The Complainant has used its common law trade mark continuously since 2017.
- The disputed domain name was registered a year after the Complainant’s first use of its common law trade mark. The Complainant has not licensed or authorized the Complainant to use NEAL.FUN, or any variation thereof. There is no evidence that the Respondent is commonly known by the disputed domain name. The disputed domain name resolves to a website that displays hyperlinks.
- The Respondent registered and has used the disputed domain name in bad faith. The Complainant’s use of its common law trade mark predates the registration of the disputed domain name. The Complainant has a strong online presence and its website is regularly updated with new games. The Respondent would have learned about the Complainant through simple online searches. The disputed domain name reverts to a website containing hyperlinks to services that are near identical to those offered by the Complainant. The Respondent is attempting to exploit the goodwill in the trade mark that the Complainant has developed since 2017.

B. Respondent

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

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- the disputed domain name is identical or confusingly similar to a trade mark 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 onus of proving these elements is on the Complainant.

A. Identical or Confusingly Similar

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant's trade mark and the disputed domain name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

The Complainant has shown rights in respect of a trade mark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The applicable Top Level Domain ("TLD") in a domain name (here, ".fun") is viewed as a standard registration requirement and is typically disregarded under the first element confusing similarity test. However, as is the case here, where the applicable TLD and the second-level portion of the domain name in combination contain the relevant trade mark, panels may consider the domain name in its entirety for purposes of assessing confusing similarity. [WIPO Overview 3.1](#), section 1.11.3.

The disputed domain name contains an alternative spelling of "Neal" (being "Neil"). A domain name which consists of a variation of a trade mark (typically a common, obvious, or intentional misspelling, referred to as typosquatting) is considered by panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.1](#), section 1.9.

In light of the above, the Panel finds the NEAL.FUN trade mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the trade mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

For completeness, the Panel also finds that the Complainant has common law trade mark rights in NEAL.FUN and that the disputed domain name is confusingly similar to that mark.

The Panel finds the first element of the Policy has been established.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP proceedings is on the complainant, panels have recognized that proving that a respondent lacks rights or legitimate interests in a domain name may result in the difficult 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 (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1.

Having reviewed the available record, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant’s prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The Complainant has not authorized the Respondent to use its trade mark and there is no evidence that the Respondent has ever been known by the disputed domain name.

The Panel finds the second element of the Policy has been established.

C. Registered and Used in Bad Faith

The Panel notes that, for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent’s registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitute bad faith under the Policy.

Under paragraph 4(b)(iv) of the Policy, there is evidence of registration and use of a domain name in bad faith where a respondent has used the domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant’s mark as to the source, sponsorship, affiliation or endorsement of the website.

The Panel finds it unlikely that the disputed domain name was registered without knowledge of the Complainant and its common law trade mark, given the typosquatting composition of the disputed domain name and the content on the website. The Respondent’s goal in registering and using the disputed domain name appears to be to attract Internet users for potential gain by taking unfair advantage of and creating a likelihood of confusion with the Complainant’s trade mark. This finding is reinforced by the Respondent’s use of the disputed domain name to host a website displaying PPC links which direct Internet users to competing websites and likely generate revenue for the Respondent.

The Panel finds that the Complainant has established the third element of the Policy.

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 <neil.fun> be transferred to the Complainant.

/Rebecca Slater/

Rebecca Slater

Sole Panelist

Date: March 12, 2026