

## **ADMINISTRATIVE PANEL DECISION**

Gaijin Games Kft. v. Matthew Mccloskey  
Case No. D2026-1262

### **1. The Parties**

The Complainant is Gaijin Games Kft., Hungary, represented by Svetlana Rudakova, Hungary.

The Respondent is Matthew Mccloskey, United States of America (“US”).

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

The disputed domain name <wtstore.net> is registered with Nicenic International Group Co., Limited (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 24, 2026. On March 25, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On March 26, 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 (Domain Manager (Whois protection) / REDACTED FOR PRIVACY) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 26, 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 amendment to the Complaint on March 29, 2026.

The Center verified that the Complaint together with the amendment to the 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 March 31, 2026. In accordance with the Rules, paragraph 5, the due date for Response was April 20, 2026. The Respondent sent an email communication to the Center on March 26, 2026. The Response was filed with the Center on April 20, 2026.

The Center appointed Rebecca Slater as the sole panelist in this matter on April 27, 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 company registered in Hungary. The Complainant and other companies in the Gaijin group develop and publish video games, and provide services and information connected with those games. The Complainant operates an official game store at the website “www.store.gaijin.net” selling in-game items, including the War Thunder video game.

War Thunder is a free-to-play cross-platform MMO military game dedicated to aviation, armored vehicles, and naval vessels. The official website for the game is “www.warthunder.com”. War Thunder has been played worldwide for over 10 years, and on Steam, a major game platform, the number of simultaneous players reaches more than 121,000. Players and the gaming industry frequently refer to War Thunder by its widely known acronym, “WT”.

The Complainant owns European Union Trade Mark Registration No. 018884379 for WT word mark (registered October 28, 2023) (the “Trade Mark”). The Complainant also owns trademarks which incorporate “WT”, including International Trademark Registration No. 1685625 for WT LEGENDS word mark (registered July 4, 2022) and International Trademark Registration No. 1744814 for WT EDGE word mark (registered March 2, 2023).

The Respondent is an individual reportedly located in the US.

The disputed domain name was registered on November 18, 2025. The disputed domain name currently redirects to the website “www.warthunderstore.org”. The disputed domain name previously resolved to a website that appeared to sell in-game items for the War Thunder video game, including in-game currency (“Golden Eagle”), military vehicles, and premium accounts.

#### **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 disputed domain name is confusingly similar to the Trade Mark because the disputed domain name incorporates the Trade Mark in its entirety. The additional term “store” is descriptive and does not prevent a finding of confusing similarity.
- The Respondent has no rights or legitimate interests in the disputed domain name. The Respondent is not commonly known by the disputed domain name and has not used the disputed domain name in connection with any bona fide offering of goods or services or any legitimate noncommercial or fair use. The disputed domain name resolves to a website that mimics the Complainant’s official game store, and purports to sell in-game items for the War Thunder video game. The website is fraudulent and unable to deliver any valid items following payment.
- The disputed domain name was registered and is being used in bad faith. Given the widespread recognition of the Trade Mark, the Respondent must have been aware of the Complainant and intentionally registered the disputed domain name to exploit the Trade Mark and mislead Internet

users into believing that they had reached a legitimate website of the Complainant. The impersonation of the Complainant and use of the disputed domain name in connection with a fraudulent online store amount to clear evidence of bad faith. The use of a privacy service further supports a finding of bad faith.

## **B. Respondent**

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain name. The Respondent contends as follows:

- The Respondent has a legitimate interest in the disputed domain name. The website at the disputed domain name uses visual materials from the War Thunder video game strictly for informational, commentary, and fan-related purposes. The content is not presented as official or affiliated with the Complainant, does not mislead users, is used in a descriptive and informational context, and does not attempt to exploit the Complainant's trademark.
- The disputed domain name was not registered or used in bad faith. There has been no intent to sell the disputed domain name to the Complainant, no attempt to confuse users for commercial gain, and no effort to disrupt the Complainant's business.
- There is no likelihood of confusion. No reasonable user would believe the website is officially operated, endorsed, or affiliated with the Complainant, and the website maintains a clear distinction from the Complainant's branding and identity.

## **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 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 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 trademark 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 the Trade Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the Trade Mark is reproduced 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.

Although the addition of other terms (here, "store") may bear on assessment of the second and third elements, the Panel finds the addition of this term does not prevent a finding of confusing similarity between the disputed domain name and the Trade Mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8.

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 the Trade Mark and there is no evidence that the Respondent is commonly known by the disputed domain name.

The Respondent submits that it has used the disputed domain name for “informational, commentary, and fan-related purposes”. Screenshots of the website at the disputed domain name submitted do not support this submission. The disputed domain name consists of “wt” with the term “store”, and the purpose of the website at the disputed domain name is mainly to offer to sell in-game items for the War Thunder video game, including in-game currency (“Golden Eagle”), military vehicles, and premium accounts.

Furthermore, the Complainant refers to mimicry in a comparison of the content between its website and the website at the disputed domain name, which the Complainant categorizes as fraudulent and unable to deliver any valid items following payment. The Respondent has not provided any reasonable explanation or evidence to rebut it.

The evidence provided by the Complainant indicates that the disputed domain name has been used to either: (a) impersonate the Complainant and its business; or (b) to create the incorrect impression that the Respondent is affiliated with the Complainant in order to take an unfair advantage of such impression. Panels have held that the use of a domain name for illegitimate activity (here, passing off and potentially sale of counterfeit goods) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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 constitutes bad faith under the Policy.

The disputed domain name was clearly acquired with knowledge of the Complainant and the Trade Mark, given the composition of the disputed domain and the content of the website at the disputed domain name. This supports a finding that the Respondent has registered the disputed domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Trade Mark. [WIPO Overview 3.1](#), section 3.1.4.

Panels have held that the use of a domain name for illegitimate activity (here, passing off and potentially sale of counterfeit goods) constitutes bad faith. [WIPO Overview 3.1](#), section 3.4.

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 <wtstore.net> be transferred to the Complainant.

*/Rebecca Slater/*

**Rebecca Slater**

Sole Panelist

Date: May 4, 2026