

ADMINISTRATIVE PANEL DECISION

Microsoft Corporation v. Luong Van Thanh
Case No. D2026-1595

1. The Parties

The Complainant is Microsoft Corporation, United States of America, represented by Edward Nathan Sonnenbergs Inc., South Africa.

The Respondent is Luong Van Thanh, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <seaofthievesmerch.shop> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 15, 2026. On April 16, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 17, 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 (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 17, 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 April 22, 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 April 23, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 13, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 18, 2026.

The Center appointed Mihaela Maravela as the sole panelist in this matter on May 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

According to information in the Complaint, the Complainant is a developer and provider of personal-computer software systems and applications, cloud computing services, video games, and other online services, with global operations through its subsidiaries, affiliates and/or licensees. The Complainant's offerings include well-known products and applications such as the Windows line of operating systems, the Microsoft Office and Microsoft 365 suite of productivity applications, and Microsoft SQL Server database; hardware products such the Xbox video game console. The Complainant has become one of the largest information technology companies in the world, and it has subsidiaries in over 120 countries worldwide with an employee headcount of 103,000 internationally, 125,000 in the United States and 228,000 worldwide.

One of the Complainant's studios, Xbox Game Studios, is known for its action-adventure multiplayer video game SEA OF THIEVES that debuted in March 2018 on the Windows and Xbox One platforms, with further platform releases (namely Xbox Series X/S and PlayStation 5) during March and April 2024 respectively.

The Complainant is the owner of many trademark registrations worldwide, comprised of, or containing, SEA OF THIEVES, including the following:

- International Trademark Registration No. 1278052 for SEA OF THIEVES (word) designating inter alia Viet Nam, registered on November 10, 2015, in international classes 9 and 41; and
- United Kingdom Trademark Registration No. UK00801278052 SEA OF THIEVES (word), registered on October 24, 2016, in international classes 9 and 41.

The disputed domain name was registered on April 25, 2025 and it is used to resolve to a website which is allegedly selling and offering SEA OF THIEVES trademarked goods. The website at the disputed domain name is prominently using the Complainant's registered SEA OF THIEVES trademark and describes itself as "SEA OF THIEVES MERCHANDISE STORE", "[t]he Best Sea of Thieves Merchandise Store" and "[s]ea of Thieves Merchandise Store is the OFFICIAL Merchandise Store for Sea of Thieves fans", also providing a copyright notice.

The Respondent appears to be located in Viet Nam.

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 it is the registered owner of the SEA OF THIEVES trademark in numerous jurisdictions throughout the world, and that the disputed domain name reproduces its SEA OF THIEVES trademark in its entirety, in addition to the non-distinctive and descriptive word "merch".

As regards the second element of the Policy, the Complainant contends that it has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating its SEA OF THIEVES trademark (or a domain name which will be associated with this trademark). Further, the website at the disputed domain name does not meet the Ok! Data criteria for a bona fide offering of goods, as inter alia, the website is selling unauthorised, inauthentic competing products and/or accessories of other commercial origin, and it describes itself as "the OFFICIAL Merchandise Store for Sea of Thieves fans", showing no details regarding the provider of the website, leaving the Internet users under the false impression that the website at the disputed domain name is that of the Complainant or that it is connected to that of the Complainant or one of its official distributors/licensees, which it is not.

With respect to the third element, the Complainant argues that the Respondent knew of the Complainant's SEA OF THIEVES trademark when registering the disputed domain name, as the Respondent is offering unauthorised competing products branded with the Complainant's SEA OF THIEVES trademark, given also that the term SEA OF THIEVES is purely an imaginative term which is unique to the Complainant and it is not commonly used to refer to video games. Further, given the use described above, the Respondent registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to the website at the disputed domain name by creating a likelihood of confusion with the Complainant's registered SEA OF THIEVES trademark as to the source, sponsorship, affiliation, or endorsement of its website or location or of a product or service on its website or location, which constitutes registration and use in bad faith pursuant to paragraph 4(b)(iv) of the Policy.

B. Respondent

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

6. Discussion and Findings

No response has been received from the Respondent in this case. Accordingly, the Panel considers it can proceed to determine the Complaint based on the statements and documents submitted by the Complainant as per paragraph 15(a) of the Rules. The applicable standard of proof in UDRP cases is the "balance of probabilities" or "preponderance of the evidence", and the Panel can draw certain inferences in light of the particular facts and circumstances of the case. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 4.2. Concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the reasonable factual allegations in the Complaint as true. [WIPO Overview 3.1](#), section 4.3.

Even if the Respondent has not replied to the Complainant's contentions, the Complainant still bears the burden of proving that all requirements are fulfilled. To succeed, the Complainant must demonstrate that all of the elements listed in paragraph 4(a) of the Policy have been satisfied: (i) the disputed domain name is identical or confusingly similar to a 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 and is being used in bad faith.

The Panel has taken note of the [WIPO Overview 3.1](#), and, where appropriate, will decide consistently with the consensus views stated therein.

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 3.1](#), section 1.7.

The Complainant has shown rights in respect of the trademark SEA OF THIEVES for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.7.

Although the addition of other terms (here, "merch") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.1](#), section 1.8. It has also long been held that generic Top Level Domains are generally disregarded when evaluating the confusing similarity between a disputed domain name and a trademark. See section 1.11.1 of the [WIPO Overview 3.1](#).

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.

There is no evidence in the record that the Respondent used or is currently using the disputed domain name in connection with a bona fide offering of goods or services, nor does the Respondent appear to engage in any legitimate noncommercial or fair use of the disputed domain name within the meaning of paragraphs 4(c)(i) and (iii) of the Policy. Rather, according to the uncontested evidence produced by the Complainant, the website at the disputed domain name is used to offer for sale SEA OF THIEVES branded goods without authorization, wherefrom one might infer that the products offered on the website at the disputed domain name are counterfeits of the Complainant’s products. Even if the products were genuine, the lack of any disclaimer on the website at the disputed domain name as to the registrant’s relationship with the trademark owner or the lack thereof, would falsely suggest to Internet users that the website to which the disputed domain name resolved is owned by the Complainant or at least affiliated to the Complainant (as per the principles outlined in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#)).

Furthermore, the Panel finds that the composition of the disputed domain name (incorporating the Complainant’s trademark SEA OF THIEVES in its entirety with the addition of the term “,merch”, a commonly used abbreviation for “merchandise”), together with the display of the Complainant’s SEA OF THIEVES trademark on the website at the disputed domain name, coupled with the use of the disputed domain name, signals the Respondent’s intention of taking unfair advantage of the likelihood of confusion between the disputed domain name and the Complainant as to the origin or affiliation of the website.

The Respondent is reportedly called “Luong Van Thanh” and there is no evidence that the Respondent is commonly known by the disputed domain name within the meaning of paragraph 4(c)(ii) of the Policy.

The Respondent has not replied to the Complainant’s contentions, claiming any rights or legitimate interests in 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.

The Complainant's registration and use of the relevant trademarks predate the date at which the Respondent registered the disputed domain name. The disputed domain name resolves to a website reproducing the Complainant's trademark and purportedly offering for sale the Complainant's products, falsely claiming to be an official store. Under these circumstances, and also given the distinctiveness of the Complainant's trademark, it is reasonable to infer that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademarks, and to target those trademarks.

The inherently misleading disputed domain name resolves to a website, which ostensibly offers the Complainant's products claiming to be an official store. As such, the disputed domain name suggests affiliation with the Complainants in order to attract consumers and offer products that appear to be counterfeit. Moreover, the website at the disputed domain name includes a misleading copyright notice, which tends to falsely indicate an affiliation between the Respondent and the Complainant. By doing so, it is clear the Respondent was intentionally seeking to attract Internet users for commercial gain through the creation of a likelihood of confusion with the Complainant's mark. See [WIPO Overview 3.1](#), section 3.1.4.

Furthermore, as noted in section 2.13.1, given that the use of a domain name for per se illegitimate activity here, claimed as applicable to this case: sale of counterfeit or unlicensed goods, passing off, and copyright infringement can never confer rights or legitimate interests on a respondent, such behavior is manifestly considered evidence of bad faith. [WIPO Overview 3.1](#), section 3.1.4.

Also, there appears to be a pattern of abusive registrations by the Respondent,¹ as the Respondent was involved in at least one previous UDRP proceeding where similar facts caused the concerned UDRP panel to decide in favor of the same complainant (See *Gaijin Games Kft. v. Luong Van Thanh*, WIPO Case No. [D2025-4625](#)). This fact also supports a finding grounded on paragraph 4(b)(ii) of the Policy, referring to a respondent registering "the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct".

In the Panel's view, the circumstances of the case represent evidence of registration and use in bad faith of the disputed domain name. The Respondent failed to bring evidence to the contrary. Consequently, the Panel concludes that the condition of paragraph 4(a)(iii) of the Policy is fulfilled.

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 <seaofthievesmerch.shop> be transferred to the Complainant.

/Mihaela Maravela/

Mihaela Maravela

Sole Panelist

Date: June 1, 2026

¹ As part of a panel's general powers articulated in paragraphs 10 and 12 of the Rules, the Panel has undertaken limited factual research into matters of public record, namely whether the Respondent was involved in prior UDRP cases, as the Panel considered such information useful to assessing the case merits and reaching a decision.