

ADMINISTRATIVE PANEL DECISION

Jagex Limited v. R.S.H Grinder, GSS
Case No. D2026-2336

1. The Parties

The Complainant is Jagex Limited, United Kingdom, represented by Stobbs IP Limited, United Kingdom.

The Respondent is R.S.H Grinder, GSS, United States of America ("United States"), self-represented.

2. The Domain Name and Registrar

The disputed domain name <grinderscape.org> is registered with Misk.com, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 27, 2026. On June 1, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 1, 2026, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 June 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was June 29, 2026. The Response was filed with the Center on June 9, 2026. The Complainant filed a Supplementary Filing on July 7, 2026.

The Center appointed Jeremy Speres, Alistair Payne, and Knud Wallberg as panelists in this matter on July 20, 2026. The Panel finds that it was properly constituted. Each member of 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, incorporated on April 28, 2000, operates a business designing, developing, publishing and operating online video games and other electronic-based entertainment, including two games, RuneScape and Old School RuneScape, that collectively have more than 3 million active users per month.

The Complainant holds registrations for the trademark RUNESCAPE and variations of it in numerous jurisdictions, including, for example, in the Respondent's jurisdiction of the United States under Trademark Registration No. 2829952 RUNESCAPE in classes 16, 25, and 41, registered on April 6, 2004. The Complainant also holds a registration for United Kingdom Trademark Registration No. UK00004247316 SCAPE (figurative) in class 41, registered on November 21, 2025.

The disputed domain name was registered on May 11, 2009, and presently resolves to a website relating to a private server version of the Complainant's Old School RuneScape game, entitled "GrinderScape".

The Complainant filed a UDRP complaint concerning the disputed domain name with a different provider, namely the Czech Arbitration Court ("CAC"), in January 2026. That dispute involved the same respondent as the Respondent in the present matter, and a decision was rendered on February 25, 2026, in *Jagex Limited v. GSS*, CAC Case No. CAC-UDRP-108326 (the "prior case"), in terms of which the Complainant's complaint was denied.

5. Parties' Contentions

Given the Panel's findings in relation to the refiling issue discussed below, the Panel's summary of the Parties' contentions is limited to the refiling issue only.

A. Complainant

The Complainant acknowledges that the present Complaint is a refiling of the prior case. It accepts that refilings are exceptional and relies on section 4.18 of the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), which recognizes refiling in limited circumstances.

The Complainant submits that three exceptional circumstances justify acceptance of the refiling. The Complainant contends that:

1. The Respondent's response in the prior case contained numerous misstatements of UDRP policy and the [WIPO Overview 3.0](#) together with citations to a fictitious UDRP decision, which resulted in a breach of natural justice and due process;
2. The Respondent relied on Artificial Intelligence ("AI")-generated "hallucinations", including fabricated case citations and inaccurate statements of UDRP law. It characterizes this as "perjured evidence" that materially influenced the outcome of the earlier proceeding; and
3. There have been developments in UDRP jurisprudence that directly and materially affect the basis of the CAC panel's denial, particularly later decisions concerning domain names incorporating the suffix "scape", which it says undermine the reasoning adopted in the earlier CAC decision, as well as the subsequent publication of [WIPO Overview 3.1](#) which includes guidance regarding AI-generated submissions.

B. Respondent

The Respondent contends that the Complaint should be dismissed as an impermissible refiling because it concerns the same domain name, the same parties, and substantially the same issues as the earlier CAC proceeding, which was decided on the merits. It argues that the Complainant has not established any

exceptional circumstances justifying a refiling and is simply seeking to relitigate an unsuccessful case before a different UDRP provider.

The Respondent further submits that the alleged citation errors in the earlier proceeding neither constituted misconduct nor affected the outcome, as the CAC panel decided the case on confusing similarity rather than the disputed authorities. It also argues that subsequent UDRP decisions involving other “scape” domain names are neither new facts nor new evidence capable of justifying a refiling.

6. Discussion and Findings

A. Procedural Issue – The Complainant’s Supplemental Filing

The Complainant filed an unsolicited Supplemental Filing.

Paragraphs 10 and 12 of the Rules in effect grant the Panel sole discretion to determine the admissibility of unsolicited supplemental filings. Admissibility of supplemental filings is to be assessed based on relevance,

foreseeability, the need to conduct the proceedings with due expedition, and the equal treatment of the parties so that each has a fair opportunity to present its case. Paragraph 10(b) of the Rules; *Société aux Loteries en Europe, SLE v. Take That Ltd.*, WIPO Case No. [D2007-0214](#); [WIPO Overview 3.1](#), section 4.6.

The Response contained a request that the Panel considers whether the Complaint amounted to an abuse of process, and the Panel agrees with the statement made by the Panel in *Cosmos European Travels AG v. Eurotech Data Systems Hellos, Ltd.*, WIPO Case No. [D2001-0941](#) to the effect that a complainant facing such an allegation is “entitled to defend itself”.

The Panel therefore admits the Complainant’s Supplemental Filing to the extent that it is relevant to the question of whether the Complaint was brought in bad faith.

B. Procedural Issue – Refiling

The alleged hallucinations were in respect of the following citations in the Respondent’s response in the prior case:

1. An earlier case, specifically *Dogpile, Inc. v. Dogpyle*, [D2000-1142](#), wherein the Panel in that case was alleged to have stated: “it is difficult, if not impossible, to register a domain name in bad faith if the trademark rights upon which the complainant relies did not exist at the time of registration.”; and
2. A section of the [WIPO Overview 3.0](#), specifically section 1.2.1, which was alleged to state: “Where a complainant’s asserted mark consists exclusively of a descriptive or dictionary word or phrase, and the domain name likewise consists exclusively of the same descriptive or dictionary word or phrase, the panel will critically evaluate whether the complainant has sufficiently shown secondary meaning in the mark.”

As the Complainant points out, the cited case and the [WIPO Overview 3.0](#) quotation do not exist.

The Respondent is coy on whether it used AI to produce its response in the prior case, and whether the fictitious case reference and misstatement from the [WIPO Overview 3.0](#) were the result of AI hallucinations. The Respondent does not, however, deny this outright, and it seems likely to the Panel in the circumstances that AI was responsible for producing the fictitious case reference and misstatements. Regardless, they were fictitious, and the Panel must contend with the Complainant’s assertions that their inclusion within the Respondent’s response in the prior case justifies refiling of the case on the basis that that amounted to a breach of natural justice or due process, or serious misconduct that influenced the outcome of the prior case.

The Panel does not find that to be the case for the following reasons.

Firstly, the panel in the prior case based her decision on the first element alone, specifically finding that the Complainant's RUNESCAPE mark was not recognizable within the relevant domain name and thus not confusingly similar to it. The CAC panelist also disregarded all of the other trademarks cited by the Complainant, including United Kingdom Trademark Registration No. UK00004247316 SCAPE (figurative), as they were registered after the registration date of the relevant domain name. The complaint was denied exclusively on those two bases, and, as such, the fictitious references seemingly would not have influenced the outcome given that they do not concern the bases upon which the panelist based her findings. Even assuming the Respondent's conduct amounted to serious misconduct (addressed below), section 4.18 specifically requires that such misconduct influenced the outcome of the prior proceeding.

Secondly, even if the CAC panelist was influenced by the fictitious references, she may not have been influenced in a way that is contrary to established consensus views under the Policy, given that the propositions set out in the Respondent's two hallucinated quotations are, in substance, well-established UDRP principles despite the citations being fictitious.

The proposition that "it is difficult, if not impossible, to register a domain name in bad faith if the trademark rights upon which the complainant relies did not exist at the time of registration" reflects the general consensus summarized in the [WIPO Overview 3.1](#) at section 3.8, subject to the recognized exceptions. Likewise, the fictitious quotation – while concerning on its own – regarding descriptive marks nevertheless reflects the approach panels routinely take. Panels do assess whether a complainant has established a secondary meaning where the mark is descriptive, particularly in assessing standing based on unregistered rights or in evaluating targeting. See the [WIPO Overview 3.1](#), sections 1.3 and 3.2.1.

Of course, the fact that the propositions reflected established principles does not excuse the use of fictitious references, but it does show that the panel in the prior case is not likely to have been influenced by them.

Given that UDRP panelists are expected to determine the applicable principles, the CAC panelist in the prior case should have been aware of these principles, regardless of anything put forward by the Respondent, fictitious or otherwise.

Thirdly, as the Panel in *Blizzard Entertainment, Inc. v. Anastassiya Pikalova*, WIPO Case No. [D2025-4169](#) noted, the use of AI-hallucinated citations will affect the credibility of the case of the party who uses them. Here, the CAC panelist in the prior case did not base her findings on anything that might have been affected by the credibility of the Respondent's case.

Fourthly, the fact that a panel does not expressly discuss every submission, or reaches a conclusion with which a party disagrees, does not constitute a denial of natural justice. Here, the Complainant was given an opportunity to present its case fully in the prior case, and its supplemental filing in the prior case, addressing the hallucination and other issues it now raises in support of the refiling, appears to have been received by the CAC panel in the prior case.

As such, the Panel finds that the fictitious references did not amount to a breach of natural justice or due process and would not, even if they qualify as "serious misconduct", have materially influenced the outcome of the prior case.

That is not to say that the Panel condones the Respondent's use of fictitious references or that the use of fictitious references can never justify a refiling.

The use of fictitious references clearly does amount to serious misconduct.

Regardless of whether the inclusion of fictitious references is intentional (in which case it is clear evidence of bad faith conduct) or merely negligent (in which case it calls into question the credibility of the party asserting it), its effect may be to mislead a panel and is, at the very least, reckless, which is reproachable all the same and may affect the credibility of the party using them, as observed by the panel in WIPO Case No. [D2025-4169](#), in addition to possibly justifying a refiling. However, in the present matter, the point is that despite the apparent failure by the CAC panel to recognize the fictitious references, this does not appear to have influenced the outcome of the prior case and cannot justify the Complainant's refiling.

That then leaves the Complainant's reliance on alleged legally relevant developments that would directly and materially impact on the basis for the prior denial, having occurred since the prior case.

The first is the publication of [WIPO Overview 3.1](#), including the addition to section 4.2 of a paragraph dealing with AI-generated pleadings, which states: "In cases where arguments and/or evidence presented to the panel is created with the assistance of AI tools, the credibility of such arguments/evidence may be impacted by the inclusion (e.g., in an annex) by the parties of specific prompts and their results."

The Panel does not consider that this new paragraph would have "directly and materially" impacted the basis for the prior denial, as required by [WIPO Overview 3.1](#), section 4.18. As already observed, the fictitious references were not relevant to the Panel's findings in the prior case, and her findings did not turn on the credibility of the Respondent's case.

Turning to the second alleged legally relevant development, namely later decisions concerning domain names incorporating the suffix "scape", which were decided after the Complainant filed its complaint in the prior case. The Complainant refers to the following subsequent cases, which it claims support the fact that the Complainant has rights in the RUNESCAPE and SCAPE marks which are confusingly similar to the disputed domain name under the first element (the "subsequent cases").

- *Jagex Limited v. Tim Parsons*, CAC Case No. CAC-UDRP-108252, concerning the domain name <blisssscape.com>
- *Jagex Limited v. Anonymized Respondents*, CAC Case No. CAC-UDRP-108307, concerning the domain name <vidyascape.org>
- *Jagex Limited v. Pali Dino, BattleScape*, WIPO Case No. [DIO2026-0001](#), concerning the domain name <battlescape.io>
- *Jagex Limited v. Ryan Dennis*, WIPO Case No. [DIO2026-0002](#), concerning the domain name <scaperune.io>

The panels in those cases all found that the Complainant's RUNESCAPE and/or SCAPE marks were confusingly similar to the relevant domain names.

The Complainant also points to the following additional cases, decided before the complaint in the prior case was filed, for the same proposition:

- *Jagex Limited v. Devin Irish*, CAC Case No. CAC-UDRP-107077, concerning the domain name <scape05.com>.
- *Jagex Limited v. Timmy Turner*, CAC Case No. CAC-UDRP-107593, concerning the domain name <boom-scape.com>.
- *Jagex Limited v. Frank Gattuso*, CAC Case No. CAC-UDRP-107955, concerning the domain name <scapedark.com>

The Panel notes that there have been countervailing decisions in which the Complainant's marks were not

found to be confusingly similar to the domain name in question, including *Jagex Limited v. GuardPrivacy.org*, CAC Case No. CAC-UDRP-107531, concerning the domain name <battle-scape.com>.

The Panel considers that the subsequent cases that the Complainant raised are not “legally relevant developments” as contemplated by section 4.18 of the [WIPO Overview 3.1](#). Firstly, the findings of the panels in those cases were based on the particular factual records pertaining in each case, which differ to those in the present case, including with respect to the composition of the relevant domain names and the conduct of the parties concerned. They did not alter the applicable legal tests and did not present any new facts that might have influenced the CAC panel in the prior case. While on the one hand they may raise a question as to consistency of result and panel awareness of prior similar cases, on the other hand they may reflect other panels reaching divergent conclusions on unique factual records.

Secondly, the Complainant appears to rely on the subsequent cases for the proposition that the fact that the “SCAPE” trademark was registered after the registration of the disputed domain name is irrelevant to the assessment of the first element. Accordingly, the Complainant seems to argue that the CAC panel's finding in the prior case was contrary to that position and was incorrect in law.

The proposition that the Complainant seeks to rely on in that regard was settled as a consensus UDRP principle well before the prior case. The [WIPO Overview 3.0](#) included that principle at section 1.1.3, where it stated: “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.”

To the extent that the decision in the prior case did not consider, under the first element, the Complainant's trademarks that were registered after the relevant domain name was registered, it ran against the foregoing consensus principle, as the Complainant alleges. However, the subsequent cases cited by the Complainant did not develop this principle, and it was consensus policy and already well available to the CAC panelist in the prior case at the time of filing of the Complaint in the prior case.

The Panel considers that much of the refiling request invites the Panel to conclude that the earlier CAC panel erred by failing to address certain submissions, by reaching the wrong conclusion on confusing similarity, or by not following later decisions. That is not the function of a refiled UDRP complaint, and to accept otherwise would effectively create an appellate mechanism that the Policy deliberately does not provide.

In sum, the Complainant seems to suggest that the CAC panel erred in its finding under the first element as it failed to take into account the Respondent's intent to target the Complainant's mark (ref [WIPO Overview 3.1](#), section 1.15) which stems from the Respondent's lack of credibility based on the fictitious references. While if correct, this is a fair criticism, it is not one the Panel (or Provider) in this case has competence to address.

The Panel echoes the sentiments of the Panel in *GBI Prosperities Pty Ltd., Dr Grow It All Sales Pty Ltd. v. Private Registration / Dave Lovegrove, Real Estate Educational Programmes*, WIPO Case No. [D2016-0879](#), where it was stated: “Conscious of the potential for well-resourced complainants to harass potential respondents by repeated filings following an unsuccessful complaint, UDRP panels have exercised their powers under the Policy to reject further complaints over the same domain name against the same respondent in the interests of finality and certainty, bearing in mind that no decision under the Policy precludes a party from pursuing its grievance in an appropriate court.”

The Panel is also in respectful agreement with the Panel in *Creo Products Inc. v. Website In Development*, WIPO Case No. [D2000-1490](#), where it was stated: “First, the burden of establishing that the Refiled Complaint should be entertained under the Uniform Policy rests on the refiling complainant. Secondly, that burden is high.”

The Complainant has failed to meet this high burden, and the Panel therefore declines to accept the refiled Complaint.

C. Reverse Domain Name Hijacking

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking (“RDNH”) or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.1](#), section 4.16.

The Panel notes that the Complainant is represented by experienced counsel, and that represented parties are often held to a higher standard. [WIPO Overview 3.1](#), section 4.16.

However, the Panel does not consider that the refiling was made in bad faith for the following reasons:

1. The Complainant expressly acknowledged that this case was a refiling and did not attempt to conceal that fact;
2. The AI hallucination issue in the context of a refiling is novel, as far as the Panel can tell, and the view of the Panel is that the Complainant was entitled to put that to the Panel and obtain guidance on whether it might constitute serious misconduct influencing the prior case or raise natural justice or due process concerns, with there being no such guidance in the jurisprudence on point; and
3. The Complainant did genuinely attempt to fit its case within the recognized refiling grounds in section 4.18 of the [WIPO Overview 3.1](#), albeit unsuccessfully.

The Panel therefore declines to find that the refiling was made in bad faith or that it constituted RDNH.

7. Decision

For the foregoing reasons, the Complaint is denied.

/Jeremy Speres/
Jeremy Speres
Presiding Panelist

/Alistair Payne/
Alistair Payne
Panelist

/Knud Wallberg/
Knud Wallberg
Panelist
Date: August 11, 2026