

ADMINISTRATIVE PANEL DECISION

Riot Games, Inc. v. Ivan Ivanov

Case No. D2023-2414

1. The Parties

The Complainant is Riot Games, Inc., United States of America (“United States”), represented by Marq Vision Inc., Republic of Korea.

The Respondent is Ivan Ivanov, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <valorante.net> is registered with Registrar of Domain Names REG.RU LLC (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on June 5, 2023. On June 5, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 5, 2023, 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 sent an email communication to the Complainant on June 16, 2023 regarding the language of the proceeding informing the Parties that the language of the Registration Agreement is Russian. The Complainant filed an email with attachments requesting English be the language of the proceeding. The Respondent did not comment on the language of the Proceedings.

The Center verified that the Complaint together with the Request that English be the language of the Proceeding 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, in both English and Russian and the proceedings commenced on June 22, 2023. In accordance with the Rules, paragraph 5, the due date for Response was July 13, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default in both English and Russian on July 17, 2023.

The Center appointed William A. Van Caenegem as the sole panelist in this matter on August 9, 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 produces and distributes online games, *inter alia* by reference to its VALORANT registered trademark. The United States registered trademark No. 6286133 for VALORANT underneath a stylized letter V in Class 41 was registered on March 9, 2021. The Complainant also promotes its VALORANT trademark online via the website located at “www.support-valorant.riotgames.com”.

The disputed domain name was registered on April 9, 2023, and resolved to a website mimicking the Complainant’s own website that induces Internet users to provide personal or game related information.

5. Parties’ Contentions

A. Complainant

The Complainant says that the disputed domain name is identical or confusingly similar to its VALORANT trademark which it has used since 2020. The Complainant’s trademark is incorporated in its entirety in the disputed domain name, with only the addition of “e”.

The Complainant further submits that the Respondent has no rights or legitimate interests because he is not commonly known by the disputed domain name, has not acquired trademark or service mark rights, and has not been authorized by the Complainant to use what it refers to as its well-known trademark. The Complainant adds that no actual or contemplated *bona fide* or legitimate use of the disputed domain name can be claimed by the Respondent as he is not licensed or permitted by the Complainant to use its trademark. Further, the Complainant points out that the disputed domain name is used to host a website copying both the RIOT GAMES and the VALORANT registered trademarks of the Complainant, and copyright protected contents that is derived from the Complainant’s website situated at “www.riotgames.com” and “www.support-valorant.riotgames.com/”. The Complainant asserts that the Respondent is running a fake website that impersonates the Complainant and induces Internet users to provide personal information, which is a phishing act.

The Complainant also maintains that the Respondent must have known of the Complainant and its trademarks at the time of registration of the disputed domain name. The use by the Respondent of the Complainant’s registered trademarks and copyrighted material in the website to which the disputed domain name resolves is causing considerable confusion amongst Internet users who will, according to the Complainant, think that the relevant website is an official site. Simple trademark and Internet searches would have revealed its rights, the Complainant says. By mimicking the Complainant’s official website, the Respondent induces Internet users to insert redeem codes, which the Complainant says exposes them to personal information leakage.

Some of the buttons on the suspect website resolve to the Complainant’s own pages, further strengthening the confusion amongst Internet users. These phishing acts indicate that the Respondent is using the disputed domain name to intentionally attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship or endorsement of the website, the Complainant says. The Respondent’s registration of the disputed domain name also prevents the Complainant from reflecting its trademark in the corresponding domain name, and the Complainant says that this severely affects its business. From April 26, 2023, onwards the Complainant says it notified the registrar, hosting providers and the Respondent of the infringing activities detailed above, without any response. The Respondent was thereby put on notice of its bad faith use of the disputed domain name in the eyes of the Complainant.

B. Respondent

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

6. Discussion and Findings

Language of the Proceeding

The language of the registration agreement is Russian, but the Complainant seeks to have this proceeding conducted in English. The Complainant says that the facts indicate that the Respondent is proficient in the English language. The words used on the website to which the disputed domain name resolves were all in English and some of the buttons there found linked to the official website of the Complainant, which is itself an English language site. The Complainant says that because the Registrar sent an English language message to the Respondent, the latter must know that language. The Complainant also points to difficulties of language interpretation and translation if the proceeding was to be conducted in Russian, which would potentially be detrimental to its interests.

From the facts above and the material put before the Panel by the Respondent, including a screenshot it made, it appears more likely than not that the Respondent is proficient in the English language. The Respondent has been notified of this proceeding in Russian as well as in English, but has chosen not to reply or respond in any way and has thus not advanced any arguments in relation to the language of the proceeding. The Complainant being forced to translate its submissions and documentation into Russian would in the circumstances cause needless cost and delay, and no unfairness would be caused by proceeding in English in circumstances such as these where the Respondent has effectively defaulted.

Therefore the Panel holds that this proceeding be conducted in English.

A. Identical or Confusingly Similar

The disputed domain name is confusingly similar to the VALORANT registered trademark of the Complainant. Thus, the mark is immediately recognizable within the disputed domain name, which only differs by the addition of a single letter "e". The fact that the registered trademark of the Complainant is visible and recognizable in the disputed domain name is alone sufficient to satisfy the first element, as has been consistently held by previous Panels.

Therefore, the Panel holds that the disputed domain name is confusingly similar to the VALORANT registered trademark of the Complainant.

B. Rights or Legitimate Interests

The Respondent has not replied to any of the contentions of the Complainant, and has thus not advanced anything to substantiate a claim of right or interest. The Respondent is not known by the name "valorante" or the disputed domain name or anything similar, has not been authorized to use the trademarks of the Complainant and has put nothing before the Panel to suggest that it has acquired rights by using the terms "valorant" or "valorante" in any legitimate manner. The material submitted by the Complainant indicates that the Respondent has used the disputed domain name to establish a phishing site, which mimics the Complainant's own website and replicates its trademark and layout. This amounts to a deceptive and dishonest use of a domain name, which is not the kind of use that can result in the recognition of legitimate interests or rights to the benefit of its acquirer.

Therefore, the Panel holds that the Respondent has no rights or legitimate interests in the disputed domain name.

C. Registered and Used in Bad Faith

The acquisition of the disputed domain name by the Respondent is in essence an instance of cybersquatting. It seems highly likely because of its composition, and the subsequent use the Respondent has put it to, that the latter was perfectly aware of the rights of the Complainant in the VALORANT registered mark in the field of computer games and the like. A simple Internet or trademark search would have revealed those rights in any case, and it behoves the Respondent to conduct such simple inquiries before registering a domain name.

The disputed domain name resolved, at the time the Complaint, to a website that mimicked the Complainant's own official website, replicated the Complainant's VALORANT trademark and other aspects of its intellectual property, the same layout and also contained deliberately deceptive links to the latter's legitimate site. At the time the Panel activated the disputed domain name on August 22, 2023, it resolved to a webpage containing a warning that the site had been reported as unsafe.

It appears that the Respondent acquired the disputed domain name and established the website to which it resolves for the potential sake of acquiring personal information from unsuspecting Internet users who would be deceived into thinking they were interacting with the Complainant's official or authorized website. In other words, the Respondent has used the disputed domain name in bad faith to mislead Internet users and derive an illegitimate advantage to their potential detriment.

Therefore, the Panel holds that the disputed domain name was registered and used in bad faith.

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 <valorante.net> be transferred to the Complainant.

/William A. Van Caenegem/

William A. Van Caenegem

Sole Panelist

Date: August 23, 2023