

ADMINISTRATIVE PANEL DECISION

Tebex Limited v. Vinod Patel

Case No. D2025-1368

1. The Parties

Complainant is Tebex Limited, United Kingdom, represented by Liam Wiltshire, United Kingdom.

Respondent is Vinod Patel, India.

2. The Domain Name and Registrar

The disputed domain name <tebex.store> (the “Domain Name”) is registered with Sav.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 4, 2025. On April 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 4, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (PRIVATE REGISTRY AUTHORITY) and contact information in the Complaint. The Center sent an email to Complainant on April 8, 2025, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on April 8, 2025.

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 Respondent of the Complaint, and the proceedings commenced on April 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 30, 2025. The Response was filed with the Center on April 28, 2025.

The Center appointed Robert A. Badgley as the sole panelist in this matter on May 9, 2025. 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

Complainant alleges:

"Tebex is the registered company name and service mark for a Merchant of Record service in the video-gaming industry. We work with in-game creators across a multitude of games and platforms, including FiveM, a GTA [Grand Theft Auto] V Modding platform, and directly sell mods, scripts and other in-game items to gamers globally."

In May 2020, the owner of FiveM and Complainant entered into a partnership regarding the FiveM modding platform.

Complainant asserts:

"While we do not have this as a registered trademark, the service mark Tebex has been in active use by the Complainant in the years prior to the registration of tebex.store and is well-known in the video gaming space."

Complainant operates its main commercial website at the domain name <tebex.io>. Annexed to the Complaint is a screenshot from the Wayback Machine (www.archive.org) showing Complainant's use of the domain name <tebex.io> as of November 4, 2019 to promote Complainant's services. The website at that time featured the header: "Generate revenue from your server." Below this header was the text: "We help thousands of servers just like yours make money from in-game monetization."

As of August 5, 2020, Complainant's website featured the header: "Customise your webstore." Below this header was the text: "Using our powerful custom templates and themes you can make your store and fit your brand."

The Domain Name was registered on October 3, 2021. As of January 2, 2025, the Domain Name resolved to a website featuring the header, "Tebex FiveM Store."

Further, according to a Wayback Machine screenshot, on August 9, 2024, Respondent's site contained content describing Complainant and its business, as well as other information including Complainant's physical address, Complainant's services, its company history, and so forth. Under the header "Tebex FiveM Store," Respondent's site stated:

"Tebex is a popular e-commerce platform designed specifically for the FiveM gaming community. It provides a convenient and secure way for server owners to set up and manage their in-game stores, allowing players to purchase virtual items, scripts, and other game-related content. With Tebex, server owners can easily monetize their servers and enhance the overall gaming experience for their players."

As of April 10, 2025, the Domain Name resolved to a website featuring the following text:

"Tebex FiveM Store

Official FiveM Partner for selling Scripts, Vehicles, MLOs and more!"

The website contained extensive details about Complainant and its services, and bore a small notice at the bottom of the page: "© 2025 Tebex. All rights reserved."

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

B. Respondent

Respondent has raised myriad arguments, most of which are quoted below:

"The nature of the term 'Tebex' is used by a lot of websites including 3rd party merchants hosted by complainant."

"The complainant has not registered any trademarks under 'Tebex' or 'FiveM', we had personally checked our local trademark services, as well international services but none of them came back positive."

"The inspiration of the word 'Tebex' came from a well-known Indian company called 'Webex' which I was employed for in the past. The complainant himself has admitted that they possess no trademark nor they are interested in getting one because there are closer to 100 different websites who use the word 'Tebex' in their website or blogs."

"The complainant's business does NOT collide with our business as they both are serving different products. We have distinctive domain with [.store] gTLD, which denotes that we are an e-commerce platform not a payment provider service, which is what the complainant's business is [Merchant of Record service]."

"We have 10,000 customers from all around the world and we have received no complaints about our websites being confusing because the customer base of complainant are merchants who want to use them as payment gateway (like Stripe, PayPal etc.) and our business website as well as products clearly suggest that we are only dealing with selling digital assets to our customers."

"The TLD .io and .store is distinctive enough for customers to not think both the websites are same."

"We have not received a single Copyright Notice prior to this complaint. If the complainant had any issues with mis-representation or even re-using their trademark, they would try to contact us before sending this legal notice."

"We are a small company with 10 developers who work hard making digital products and sell them online, while the complainant runs a multi-million-dollar company with a lot of money and are trying to muffle our voices."

"There are a lot of websites using the word 'Tebex' or 'FiveM' or 'FiveM Mods' or something similar on their websites, which itself shows that it is a very commonly used words in gaming industry. [...]"

"The blog 'What is Tebex?' (<https://tebex.store/what-is-tebex/>) [on Respondent's website] was written on October 2024 by one of our writers, it clearly represents complainant's business model rather than ours. The blog is literally copy paste article from [Complainant's Annex 8], which complainant itself has taken a screenshot of. Both of the blogs have presented 'Tebex.io' and their information. We have written a digital blog for the brand 'Tebex' to rank our website higher which is a very common practise."

"We have been dealing with FiveM Scripts and Mods since 2019, when the game 'FiveM' was launched. Our business plans were active and in effect prior to CFX [owner of FiveM] and Tebex's partnership."

“Tebex Limited or Tebex Technologies Limited was registered in 2012, however the domain [tebex.io] was Registered On: 2016-06-20. We acquired our domain in 2021, and our webstore was not active until 2022 October, which does not align with any of the business actions taken by the complainant. Our business models are totally different, there are multiple other websites using the same keywords as complainant's branding (Common Business Practise), we do not see any reasons why our website is called 'passing off' when there would be no real customers who would misunderstand the difference between a merchant record service and an e-commerce platform.”

6. Discussion and Findings

Paragraph 4(a) of the Policy lists the three elements which Complainant must satisfy with respect to the Domain Name:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights; and
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

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 Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 1.7.

The Panel finds that Complainant has rights in the unregistered mark TEBEX through use demonstrated in the record. The Panel also finds that the Domain Name is identical to that mark.

Complainant has established Policy paragraph 4(a)(i).

B. Rights or Legitimate Interests

Pursuant to paragraph 4(c) of the Policy, Respondent may establish its rights or legitimate interests in the Domain Name, among other circumstances, by showing any of the following elements:

- (i) before any notice to you [Respondent] of the dispute, your use of, or demonstrable preparations to use, the Domain Name or a name corresponding to the Domain Name in connection with a bona fide offering of goods or services; or
- (ii) you [Respondent] (as an individual, business, or other organization) have been commonly known by the Domain Name, even if you have acquired no trademark or service mark rights; or
- (iii) you [Respondent] are making a legitimate noncommercial or fair use of the Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

The Panel concludes, on the record presented here, that Respondent lacks rights or legitimate interests in respect of the Domain Name. What emerges from the content of Respondent's website over time and the assertions put forth in the Response is that Respondent was aware of Complainant and the FiveM modification platform at the time he registered the Domain Name. What also emerges is that Respondent was aware that including “TEBEX” in the Domain Name would increase the amount of Internet traffic to his commercial website. It is also apparent from the record that Respondent's website's description of Complainant's business and its company history, as well as the indication of Complainant's physical address and a copyright notice using Complainant's name, reflect an intent on the part of Respondent to create the false impression among consumers that Respondent and his website are somehow affiliated with or authorized by Complainant.

Respondent's various arguments cannot overcome these basic facts, all of which bespeak a decided lack of legitimacy vis-à-vis the Domain Name. For instance, whether other parties are using TEBEX as a mark or as a reference in a domain name is not germane to the Panel's finding here that Respondent's own use of the Domain Name is essentially deceptive in nature.

Complainant has established Policy paragraph 4(a)(ii).

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy provides that the following circumstances, "in particular but without limitation," are evidence of the registration and use of the Domain Name in "bad faith":

- (i) circumstances indicating that Respondent has registered or has acquired the Domain Name primarily for the purpose of selling, renting, or otherwise transferring the Domain Name registration to Complainant who is the owner of the trademark or service mark or to a competitor of that Complainant, for valuable consideration in excess of its documented out of pocket costs directly related to the Domain Name; or
- (ii) that Respondent has registered 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 Respondent has engaged in a pattern of such conduct; or
- (iii) that Respondent has registered the Domain Name primarily for the purpose of disrupting the business of a competitor; or
- (iv) that by using the Domain Name, Respondent has intentionally attempted to attract, for commercial gain, Internet users to Respondent's website or other online location, by creating a likelihood of confusion with Complainant's mark as to the source, sponsorship, affiliation, or endorsement of Respondent's website or location or of a product or service on Respondent's website or location.

The Panel concludes, on the record provided here, that Respondent has registered and used the Domain Name in bad faith. The Panel incorporates its discussion above in the "Rights or Legitimate Interests" section. The record supports the conclusion that Respondent targeted Complainant's TEBEX mark for purposes of enhancing his website's traffic and hence deriving commercial gain, which conduct constitutes bad faith registration and use within the meaning of the above-quoted Policy paragraph 4(b)(iv).

Complainant has established Policy paragraph 4(a)(iii).

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 Domain Name <tebex.store> be transferred to Complainant.

/Robert A. Badgley/

Robert A. Badgley

Sole Panelist

Date: May 23, 2025