

## **ADMINISTRATIVE PANEL DECISION**

The Indie Stone Ltd v. Hermann Honkanen  
Case No. D2025-1650

### **1. The Parties**

The Complainant is The Indie Stone Ltd, United Kingdom ("UK"), represented by Wiggin LLP, UK.

The Respondent is Hermann Honkanen, Finland.

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

The disputed domain name <projectzomboid.shop> (the "Disputed Domain Name") is registered with NameCheap, Inc. (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on April 24, 2025. On April 25, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 25, 2025, 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, Privacy service provided by Withheld) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 28, 2025, 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 29, 2025.

The Center verified that the Complaint [together with the amendment to the Complaint/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 May 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was May 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 27, 2025.

The Center appointed Mariia Koval as the sole panelist in this matter on May 30, 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**

The Complainant, founded in 2013, is a UK company which provides video game development services and produces computer and video games. The Complainant's best-known computer game is called "Project Zomboid", which was released on macOS and Windows in November 2013. The Complainant's game "Project Zomboid" has received over 365,000 reviews on the market-leading video game distribution service "Steam" and also has a fan page on the social media forum "Reddit", with over 480,000 members ranking within the top 1% in terms of size on the platform.

The Complainant owns the following PROJECT ZOMBOLD Trademark (the "PROJECT ZOMBOLD Trademark") registrations worldwide:

- United Kingdom Trademark Registration No. UK00003769365, registered on August 5, 2022, in respect of goods and services in classes 9, 16, 25, 28, 41 and 42;
- International Trademark Registration No. 1702373, registered on September 2, 2022, in respect of goods and services in classes 9, 16, 25, 28, 41 and 42; and
- United States of America Trademark Registration No. 7349534, registered on April 9, 2024, in respect of goods and services in classes 9, 16, 25, 28, 41 and 42.

The Complainant operates the domain name <projectzomboid.com>, reflecting its PROJECT ZOMBOLD Trademark for promotion and sale of its video game.

The Disputed Domain Name was registered on November 25, 2024. As at the date of this Decision, the Disputed Domain Name resolves to an inactive website. However, according to the evidence presented by the Complainant (Annex 14 to the Complaint), the Disputed Domain Name previously resolved to a commercial website offering unauthorised merchandise products under the PROJECT ZOMBOLD Trademark.

#### **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 identical to the Complainant's PROJECT ZOMBOLD Trademark since the Disputed Domain Name reproduces the Complainant's PROJECT ZOMBOLD Trademark in its entirety without any additional words.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name in view of the following:

- the Complainant is not aware that any other person or entity, other than the Complainant, has rights in the highly distinctive PROJECT ZOMBOLD Trademark;
- the Complainant has no relationship with the Respondent and the Disputed Domain Name was registered without the consent of the Complainant;

- the PROJECT ZOMBOID Trademark is a highly distinctive word which does not have any specific meaning in the video game industry, other than to be directly and immediately associated with the Complainant. Accordingly, the incorporation of that identical word by a third party in the Disputed Domain Name in the absence of knowledge of the Complainant and its business conducted under and by reference to the PROJECT ZOMBOID Trademark is highly improbable;
- the Respondent previously used the Disputed Domain Name in connection with a website offering unauthorised merchandise products under the PROJECT ZOMBOID Trademark;
- the Disputed Domain Name provided no indication that it is not linked to or authorised by the Complainant. To the contrary, the Disputed Domain Name included references to the PROJECT ZOMBOID Trademark, and stated that it is the “Official Merchandise Store”, when it was not, evidently, this led visitors to believe they had arrived at an official, licensed and authorised merchandise store of the Complainant;
- the website under the Disputed Domain Name was available in different languages and stated that international delivery was available. This caused damage to the Complainant’s rights and reputation on a potentially global scale;
- the Respondent is aware of the popularity of the Project Zomboid game and diverted potential buyers of the Complainant’s merchandise to buy the Respondent’s goods;
- the Respondent clearly used the Disputed Domain Name to divert Internet users to its own website at which it sells unauthorised products for its own commercial gain, which is not consistent with bona fide use of the Disputed Domain Name.

The Complainant further asserts that the Respondent has registered and is using the Disputed Domain Name in bad faith. The Respondent has used – without permission the Complainant’s distinctive PROJECT ZOMBOID Trademark in order to generate traffic to his website and to obtain commercial gain from creating a false impression that its goods are genuine products of the Complainant. This activity may also have disrupted the Complainant’s business by competing directly with the Complainant. Any poor publicity or consumer feedback arising from the quality of the goods provided by the Respondent via the Disputed Domain Name wholly incorporating the PROJECT ZOMBOID Trademark, would be damaging and detrimental to the Complainant’s business.

## **B. Respondent**

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

## **6. Discussion and Findings**

Under paragraph 4(a) of the Policy, a complainant to succeed must satisfy the panel that:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which 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 was 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 Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Disputed Domain Name completely reproduces the Complainant's PROJECT ZOMBOID Trademark in combination with the generic Top-Level Domain ("gTLD") ".shop". Pursuant to [WIPO Overview 3.0](#), section 1.7, in cases where a domain name incorporates the entirety of a trademark, the domain name will normally be considered identical or confusingly similar to that mark for purposes of UDRP standing.

Also, in accordance with [WIPO Overview 3.0](#), section 1.11.1, the applicable gTLD in a domain name (such as, ".com", ".club", ".nyc") is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

Accordingly, the Panel finds that the Disputed Domain Name is identical to the Complainant's PROJECT ZOMBOID Trademark pursuant to paragraph 4(a)(i) of the Policy.

## **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 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 3.0](#), 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 Panel concludes that there is no relation, disclosed to the Panel or otherwise apparent from the record, between the Respondent and the Complainant. The Respondent is not a licensee of the Complainant, nor has the Respondent otherwise obtained an authorization to use the Complainant's PROJECT ZOMBOID Trademark. Moreover, there is no element from which the Panel could infer the Respondent's rights over the Disputed Domain Name, or that the Respondent might be commonly known by the Disputed Domain Name.

The Panel is of the opinion that there is no evidence that the Respondent is using the Disputed Domain Name in connection with a bona fide offering of goods or services, nor is there any indication of legitimate noncommercial or fair use. On the contrary, as of the date of filing this Complaint, the Disputed Domain Name resolved to a website that presented itself as a fan site and an "official merchandise store" but was, in fact, offering unauthorized merchandise bearing the Complainant's PROJECT ZOMBOID Trademark. In accordance with [WIPO Overview 3.0](#), section 2.7.1, for purposes of assessing fair use under UDRP paragraph 4(c)(iii), a respondent's fan site must be active, genuinely noncommercial, and clearly distinct from any official complainant site. Furthermore, the Respondent's website prominently features the Complainant's registered PROJECT ZOMBOID Trademark, as well as images and visual elements taken directly from the Complainant's video game, without authorization. Such use misled users into believing the site was officially affiliated with or endorsed by the Complainant. Such unauthorized reproduction of the PROJECT ZOMBOID Trademark and copyrighted material to purportedly offer merchandise for sale further demonstrates that the

Respondent is not engaged in any legitimate, noncommercial or fair use, but is instead seeking to capitalize on the Complainant's trademark for commercial gain.

Also, the Panel considers that the composition of the disputed domain name carries a high risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1.

The Respondent did not file any response to the Complaint and did not participate in these proceedings, as such, the Respondent did not present any evidence supporting any rights or legitimate interests in the Disputed Domain Name.

In view of the foregoing, the Panel finds that the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name and that the Complainant succeeds under the second element of paragraph 4(a) of the Policy.

### **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.

In the present case, the Panel concludes that the Disputed Domain Name was registered and is being used in bad faith in view of the following. The Complainant obtained the registration of the PROJECT ZOMBOID Trademark more than two years earlier than the Respondent registered the Disputed Domain Name in 2024. Taking into account all circumstances of this case, the Panel finds that the Respondent was very well aware of the Complainant's business and its PROJECT ZOMBOID Trademark when registering the identical Disputed Domain Name that completely incorporates the Complainant's PROJECT ZOMBOID Trademark.

The Panel is also of the opinion that it is clear that the Respondent, having registered and used the Disputed Domain Name, which is identical to the Complainant's PROJECT ZOMBOID Trademark, intended to disrupt the Complainant's business and confuse Internet users seeking for or expecting the Complainant's website. In view of the absence of any evidence to the contrary, the Panel concludes that the Respondent has registered and is using the Disputed Domain Name in bad faith.

Resolving the Disputed Domain Name to a commercial website which offered unauthorized merchandise bearing the Complainant's PROJECT ZOMBOID Trademark without any indication of connection to the Complainant is a clear indication that the Respondent intentionally attempted to attract, for commercial gain, Internet users to its own website by creating a likelihood of confusion with the Complainant's PROJECT ZOMBOID Trademark as to the source, sponsorship, affiliation or endorsement of this website. Such circumstances are evidence of registration and use of the Disputed Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

Furthermore, the underlying beneficial registrant's use of a proxy service to obscure its true identity further evidences bad faith registration and use of the Disputed Domain Name. In accordance with section 3.6 of the [WIPO Overview 3.0](#), there are recognized legitimate uses of privacy and proxy registration services; the circumstances in which such services are used, including whether the respondent is operating a commercial and trademark-abusive website, can however impact a panel's assessment of bad faith. The Panel considers that, taking into account all circumstances of this case, the Respondent's use of privacy service also constitutes further evidence of bad faith registration and use of the Disputed Domain Name.

In light of the above, the Panel finds the third element of the Policy has been established.

## **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 <projectzomboid.shop> be transferred to the Complainant.

*/Mariia Koval/*

**Mariia Koval**

Sole Panelist

Date: June 13, 2025