

ADMINISTRATIVE PANEL DECISION

game – Verband der deutschen Games - Branche e.V. v. Prodip Mondal
Case No. D2025-1971

1. The Parties

The Complainant is game – Verband der deutschen Games- Branche e.V., Germany, represented by ARTANA PartG mbB, Germany.

The Respondent is Prodip Mondal, India.

2. The Domain Name and Registrar

The disputed domain name <gamescommerch.com> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on May 16, 2025. On May 19, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On May 20, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 10, 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 amendment to the Complaint on June 10, 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 June 11, 2025. In accordance with the Rules, paragraph 5, the due date for Response was July 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 2, 2025.

The Center appointed William F. Hamilton as the sole panelist in this matter on July 4, 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 is a German games industry association. The Complainant's members represent the entire video game ecosystem, from development studios and publishers to esports event organizers, educational institutions, and other related entities. The Complainant is the co-organizer of the "Gamescom" trade fair, one of the world's most significant video gaming events. The Gamescom trade fair was established in Cologne, Germany, in 2009. In recent years, more than 300,000 visitors have attended the Gamescom trade fair annually. Additionally, other Gamescom-branded events are organized globally, including Gamescom Asia in Singapore and Gamescom LATAM in Brazil.

The Complainant is the owner of several "Gamescom" domain names, including <gamescom.global>.

The Complainant owns numerous national registrations for the trademark GAMESCOM (the "Mark") including but not limited to:

- UK Registration No. UK00909879727, registered on November 7, 2011
- German Registration No. 3020100276746, registered on January 21, 2011
- European Union Registration No. 009879727, registered on November 7, 2011

The disputed domain name was registered on February 23, 2024. The disputed domain name resolves to a website prominently featuring the Mark and offering purportedly official GAMESCOM merchandise for sale, including but not limited to T-shirts, hoodies, and sweaters.

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 argues that the disputed domain name is confusingly similar to its Mark because the Mark is clearly identifiable within the disputed domain name. The Complainant maintains that the Respondent has no rights or legitimate interests in the disputed domain name and there is no evidence suggesting that the Respondent is commonly known by the disputed domain name. Additionally, the Complainant contends that the Respondent is neither a licensee of the Complainant nor affiliated with the Complainant in any way. Furthermore, the Complainant claims that it has not authorized the Respondent to use the Mark. Moreover, the Complainant argues that the disputed domain name was registered and used in bad faith for commercial gain, misleading Internet users into believing that the Complainant has endorsed, is associated with, or sponsors the Respondent's website and their content.

B. Respondent

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

6. Discussion and Findings

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 3.0](#), section 1.7.

The Complainant has shown rights in respect to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the Mark is recognizable within the disputed domain name. Accordingly, the disputed domain name is confusingly similar to the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of terms and letters in the disputed domain name may bear on the assessment of the second and third elements, the Panel finds the addition of the term "merch" does not prevent a finding of confusing similarity between the disputed domain name and the Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Accordingly, the Panel finds that the disputed domain name is confusingly similar to the Mark for the purposes of the Policy.

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 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 Respondent's use of the disputed domain name to resolve to a website offering for sale merchandise branded with the Complainant's Mark does not create any rights or legitimate interests in the disputed domain name. Under the facts and circumstances of this case, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain name.

The Panel further considers that the composition of the disputed domain name when considered together with its use creates a risk of implied affiliation with the Complainant.

C. Registered and Used in Bad Faith

Under paragraph 4(b) of the Policy, bad faith may be established by any one of the following scenarios:

(i) circumstances indicating that the respondent has registered or acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of the respondent's documented out-of-pocket costs directly related to the domain name; or

(ii) the 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 the respondent has engaged in a pattern of such conduct; or

(iii) the respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, the respondent has intentionally attempted to attract, for commercial gain, Internet users to its website or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of the respondent's website or location or of a product or service on the respondent's website or location.

The Panel finds that the Respondent was aware of the Complainant's Mark and its associated goodwill when registering the disputed domain name. The Complainant's Mark is well-known. It is implausible that the Respondent innocently registered and used the disputed domain name, prominently incorporating the Complainant's well-known Mark with the term "merch", a common abbreviation for "merchandise". The Respondent has intentionally attempted to attract Internet users to its websites using the disputed domain name for commercial gain by creating a likelihood of confusion as to whether the Complainant has sponsored, is affiliated with, or endorsed the Respondent's websites. UDRP panels have determined that the incorporation of a well-known trademark, such as the Complainant's Mark, in its entirety may be sufficient to establish that the domain name is identical or confusingly similar to a complainant's trademark. See e.g., *L'Oréal, Lancôme Parfums Et Beauté & Cie v. Jack Yang*, WIPO Case No. [D2011-1627](#). In this case, the Mark is clearly recognizable in the disputed domain name and is likely to mislead Internet users into believing that the disputed domain name and its website content are endorsed, affiliated with, or sponsored by the Complainant.

Accordingly, the Panel finds the Respondent's registration and use of the disputed domain name carries a risk of implied affiliation, in a likely attempt of taking unfair advantage of the Complainant's Mark, and constitutes bad faith under the Policy.

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 <gamescommerch.com> be transferred to the Complainant.

/William F. Hamilton/

William F. Hamilton

Sole Panelist

Date: July 14, 2025