

## **ADMINISTRATIVE PANEL DECISION**

Electronic Arts Inc. v. Huy Hoang, Cuong Phan  
Case No. D2025-3009

### **1. The Parties**

The Complainant is Electronic Arts Inc., United States of America (“United States”), represented by CSC Digital Brand Services Group AB, Sweden.

The Respondents are Huy Hoang, Viet Nam and Cuong Hoang, Viet Nam.

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

The disputed domain names <plantsvszombiesmerch.com> (the “First disputed domain name”) and <plantsvszombies.store> (the “Second disputed domain name”) are registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 28, 2025. On July 29, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the First disputed domain name. On July 29, 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 for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 30, 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 the First amended Complaint on July 30, 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 the Respondent of the Complaint, and the proceedings commenced on August 4, 2025. In accordance with the Rules, paragraph 5, the due date for Response was August 24, 2025.

On August 27, 2025, the Complainant requested the addition of the Second disputed domain name to the Complaint.

The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on August 29, 2025.

The Center appointed Wilson Pinheiro Jabur as the sole panelist in this matter on August 29, 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.

On September 3, 2025, the Panel issued the Procedural Order No 1 accepting the addition of the Second disputed domain name and informing the registrant and contact information for the Second disputed domain name disclosed by the Registrar, inviting the Complainant to provide an amended Complaint including such information and submitting further arguments considering the Registrar-disclosed registrant information for the Second disputed domain name within five days of the Procedural Order, and the Respondent to comment on the Complainant's submissions and/or to file a Response in respect of the Second disputed domain name within ten days of the Procedural Order.

On September 2, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Second disputed domain name. On September 3, 2025, the Registrar transmitted by email to the Center its verification response indicating the registrant of the Second disputed domain name and providing the contact details.

The Complainant submitted the Second Amended Complaint on September 3, 2025. No response or comment was submitted by the Respondent.

#### **4. Factual Background**

The Complainant, founded in 1982 in California, United States, currently develops and provides games, digital content and online services for Internet-connected consoles, mobile devices and personal computers.

The Complainant's subsidiary game studio, PopCap Games, Inc., released the Plants vs. Zombies video game in 2009, which received awards such as "Download Game of the Year" and "Strategy Game of the Year" by Golden Joystick Awards 2010 (Annex 7.2 to the Complaint).

On Google Play, the Plants vs. Zombies mobile application has been downloaded by more than 500 million users, while Apple Store ranked it as "#24 in Action" (Annex 8 to the Complaint).

The Complainant, in addition to the domain names <plantsvszombies.com>, <plantvszombie.com>, and <plantvszombieplush.com>, is the owner of the following, amongst other, trademark registrations:

- United States Trademark Registration No. 3851667, for the word mark PLANTS VS ZOMBIES, registered on September 21, 2010, successively renewed, in class 41;
- United States Trademark Registration No. 4023131, for the word mark PLANTS VS ZOMBIES, registered on September 6, 2011, successively renewed, in class 9;
- European Union Trademark Registration No. 008259426, for the word mark PLANTS VS ZOMBIES, registered on December 3, 2009, successively renewed, in classes 9, 28 and 41; and
- International Trademark Registration No. 1010010, for the word mark PLANTS VS ZOMBIES, registered on May 21, 2009, successively renewed, in classes 9 and 41.

The First disputed domain name was registered on October 24, 2024, and presently redirects Internet users to the webpage available at the Second disputed domain name, entitled “PLANTS VS ZOMBIES MERCHANDISE STORE FOR FANS”, purportedly having “fulfilled almost two million orders of unique and fun items for customers from all over the world”, also stating in the ‘About Us’ section of the webpage that [the] “collection includes high-quality, officially licensed merchandise like T-shirts, hoodies, accessories, and exclusive collectibles that feature your favorite characters and moments from *Plants vs Zombies*. We carefully select each item to ensure they meet our high standards for quality, comfort, and design, allowing fans to celebrate their favorite game with pride”.

The Second disputed domain name was registered on July 30, 2025.

## 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 names.

Notably, the Complainant asserts to be a global leader in digital interactive entertainment, with its PLANTS VS ZOMBIES game having become a cultural phenomenon. The game’s significant success, which resulted in numerous sequels, spin-offs, and adaptations, has led its PLANTS VS ZOMBIES trademark to become well recognized and respected worldwide and within the gaming industry, thereby rendering it distinctive and uniquely associated with the Complainant and its products and services.

The Complainant requests the consolidation of the two named Respondents arguing that the disputed domain names are under common control in view of the following circumstances:

1. the disputed domain names incorporate Complainant’s PLANTS VS. ZOMBIES trademark;
2. the First disputed domain name currently redirects to the website found at the Second disputed domain name;
3. the website found at the Second disputed domain name is an exact replica of the website found at the First disputed domain name when the Complaint was filed;
4. the ‘About Us’ page of the Second disputed domain name closely mimics the texts found at the ‘About Us’ page of the First disputed domain name when the Complaint was filed;
5. the disputed domain names’ websites state the same ‘Contact Us’ address;
6. the Second disputed domain name was registered on July 30, 2025, which was the same date as when the Center’s Notice of Registrant Information was sent to the parties of the proceeding;
7. the disputed domain names are registered with the same Registrar and hosted on the same servers; and
8. the details pertaining to the name Respondents “Huy Hoang” and “Cuong Phan” are in Ha Noi, Viet Nam and use Gmail accounts for their email addresses.

The Complainant contends that the disputed domain names are confusingly similar to the Complainant’s PLANTS VS ZOMBIES trademark, as they fully incorporate it, with the addition, in the First disputed domain name, of the generic term “merch” (a common short form for the term “merchandise”) which cannot prevent a finding of confusing similarity between the disputed domain names and the Complainant’s PLANTS VS ZOMBIES trademark.

As to the lack of rights or legitimate interests in the disputed domain names, the Complainant asserts that:

- the Respondent is not sponsored by or affiliated with Complainant in any way, nor has the Complainant given the Respondent permission, license or authorization to use the Complainant’s trademark in any manner, including in domain names;
- the Respondent is not commonly known by the disputed domain names, which evinces a lack of rights or legitimate interests;

- the use of the disputed domain names in connection with a website using the Complainant's logo and copyrighted images, while falsely claiming to be the "Official Plants vs Zombies Store" (Annexes 3 and 5.2); and
- the Respondent is an unauthorized reseller or distributor whose use of the disputed domain names does not comply with the Oki Data test given that the website found at the Second disputed domain name has no visible disclaimer stating that the website was neither endorsed nor sponsored by the Complainant to explain the non-existing relationship with the trademark holder, rather claiming to be the "Official Plants vs Zombies Store" and purportedly offer "officially licensed merchandise like T-shirts, hoodies, accessories, and exclusive collectibles" (Annex 3.2)

Lastly, the Complainant states that it would be implausible that the Respondents were unaware of the Complainant when registering the disputed domain names given the use of the disputed domain names to display the Complainant's logo and sell products that incorporates the Complainant's PLANTS VS. ZOMBIES trademark without authorization, in an attempt to pass off as an official Plants vs. Zombies website. Furthermore, the use of a privacy protection service to conceal the Respondents' identities and the failure to respond to the Complainant's attempts to resolve the matter amicably (Annex 11) are further indicatives of the Respondents' bad faith registration and use of the disputed domain names. In addition to that the Second Respondent has been previously involved in past UDRP cases, evidencing a pattern of cybersquatting.

## **B. Respondent**

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

## **6. Discussion and Findings**

### **6.1. Procedural Matter - Consolidation of Multiple Respondents**

The Second Amended Complaint was filed in relation to nominally different domain name registrants. The Complainant alleges that the disputed domain names are under common control. The Complainant requests the consolidation of the Complaint against the multiple registrants pursuant to paragraph 10(e) of the Rules.

The Respondents did not comment on the Complainant's request. Paragraph 3(c) of the Rules states that a complaint may relate to more than one disputed domain name, provided that the disputed domain names are registered by the same domain name holder.

In addressing the Complainant's request, the Panel will consider whether (i) the disputed domain names or corresponding websites are subject to common control; and (ii) the consolidation would be fair and equitable to all Parties. See WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (["WIPO Overview 3.0"](#)), section 4.11.2.

As regards common control, the Panel notes that the First disputed domain name redirects Internet users to the webpage available at the Second disputed domain name, which, in its turn has the same contents to the one that used to be available at the First disputed domain name when the Complaint was filed. In addition to that, both disputed domain names share: (i) the same Registrar and hosted on the same servers; (ii) the same naming structure; and (iii) indicate the country of the registrants as Viet Nam and use Gmail accounts for their email addresses.

As regards fairness and equity, the Panel sees no reason why consolidation of the disputes would be unfair or inequitable to any Party.

Accordingly, the Panel decides to consolidate the disputes regarding the nominally different disputed domain name registrants (referred to below as "the Respondent") in a single proceeding.

This Panel is satisfied, in view of the evidence submitted and on the balance of probabilities that the disputed domain names are indeed subject to a common control and that consolidation would be fair and equitable to all Parties.

## **6.2. Substantive Matter**

Paragraph 4(a) of the Policy sets forth the following three requirements, which have to be met for this Panel to order the transfer of the disputed domain names to the Complainant:

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

The Complainant must prove in this administrative proceeding that each of the aforementioned three elements is present in order to obtain the transfer of the disputed domain names.

In accordance with paragraph 14(a) of the Rules, if the Respondent does not submit a Response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

### **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 of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain names. Accordingly, the First disputed domain name is confusingly similar, and the Second disputed domain name is identical, to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other term ("merch") in the First disputed domain name may bear on assessment of the second and third elements, the Panel finds the addition of such term 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.

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 names. 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 names such as those enumerated in the Policy or otherwise.

The Respondent, in not responding to the Complaint, has failed to invoke any of the circumstances, which could demonstrate, pursuant to paragraph 4(c) of the Policy, any rights to or legitimate interests in the disputed domain names. This entitles the Panel to draw any such inferences from such default as it considers appropriate pursuant to paragraph 14(b) of the Rules. Nevertheless, the burden of proof is still on the Complainant to make a prima facie case against the Respondent.

In that sense, the Complainant indeed states that the Respondent is not sponsored by or affiliated with Complainant in any way, nor has the Complainant given the Respondent permission, license or authorization to use the Complainant's trademark in any manner, including in domain names.

Also, the lack of evidence as to whether the Respondent is commonly known by the disputed domain names or the absence of any trademarks registered by the Respondent corresponding to the disputed domain names, corroborates with the indication of the absence of a right or legitimate interest in the disputed domain names.

Furthermore, the Panel concludes that the Respondent has indeed not used the disputed domain names in connection with a bona fide offering of goods or services. The Respondent has used the disputed domain names, which incorporate the Complainant's trademark entirely with terms descriptive of the products being offered, in order to mislead and redirect unsuspecting Internet users, expecting to find official merchandise relating to the Complainant's game, and which do not make a single disclaimer of the lack of relationship between the Parties or endorsement thereof.

Under these circumstances and absent evidence to the contrary, the Panel finds that the Respondent does not have rights or legitimate interests with respect to the disputed domain names.

The Panel finds the second element of the Policy has been established.

### **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.

The registration and use of the disputed domain names in bad faith can be found in the present case in view of the following circumstances:

- a) the use of the disputed domain names in connection with a webpage using the Complainant's logo and copyrighted images, while falsely claiming to be the "Official Plants vs Zombies Store", what characterizes the Respondent's likely intent of commercial gain by profiting from the Complainant's trademark;
- b) the composition of the Second disputed domain name consisting of the reproduction of the Complainant's trademark. See [WIPO Overview 3.0](#), section 3.1.4;
- c) the Respondent has provided no evidence whatsoever of any actual or contemplated good faith use by it of the disputed domain names;
- d) the selection of a privacy protection service so as to conceal the Respondent's identity;
- e) the indication of what appears to be false contact details by the Respondent, not having been able to deliver the Written Notice to it;
- f) the Respondent's failure to respond to the Complainant's attempts to resolve the matter amicably (Annex 11).

For the reasons as stated above, the Panel finds that the disputed domain names were registered and are being used in bad faith pursuant to paragraph 4(b)(i) of the Policy.

The Panel finds that the Complainant has established the third element of the Policy.

## **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 names <plantsvszombiesmerch.com> and <plantsvszombies.store> be transferred to the Complainant.

*/Wilson Pinheiro Jabur/*

**Wilson Pinheiro Jabur**

Sole Panelist

Date: September 16, 2025