

ADMINISTRATIVE PANEL DECISION

HECTOR MANUEL FALLAS v. Ziaul Haque, Digital IT Solution
Case No. D2025-3138

1. The Parties

The Complainant is HECTOR MANUEL FALLAS, Costa Rica, represented by HULBERT VOLIO ABOGADOS, Costa Rica.

The Respondent is Ziaul Haque, Digital IT Solution, Bangladesh, self-represented.

2. The Domain Names and Registrar

The disputed domain names <skipthegames.bio> and <skipthegames.club> are registered with Dynadot Inc Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 6, 2025. On August 7, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names and other domain names. On August 8, 2025, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (REDACTED FOR PRIVACY, Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 9, 2025 with the registrant and contact information of nominally multiple underlying registrants revealed by the Registrar, requesting the Complainant to either file separate complaint(s) for the disputed domain names associated with different underlying registrants or alternatively, demonstrate that the underlying registrants are in fact the same entity and/or that all domain names are under common control. The Complainant filed an amended Complaint on August 14, 2025, requesting to withdraw its Complaint for the other domain names. On August 19, 2025, the Center informed the Parties and the Registrar that the other domain names had been withdrawn from the current proceedings.

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 20, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 9, 2025. The Respondent sent an email communication to the Center on August 27, 2025.

The Center appointed John Swinson as the sole panelist in this matter on September 15, 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 provides online dating services via a website hosted at <skipthegames.com>. According to the Complainant, its domain name was created on August 14, 2014.

The Complainant owns United States of America ("United States") trademark registration for "SKIP THE GAMES" under registration number 7,642,585 in class 45. This trademark was filed on March 22, 2024, and registered on January 7, 2025. The registration claims a date of first use of March 22, 2020.

The Complainant also owns a Swiss registered trademark for SKIP THE GAMES under registration number 821681 registered on October 23, 2024.

Little information is known about the Respondent. According to the Registrar's records, the Respondent has an address in Bangladesh.

The Respondent registered the disputed domain names on April 30, 2023, and December 3, 2023.

The Respondent states that he registered the disputed domain names for a classified advertisements and blog website.

Each of the websites at the disputed domain names are substantially the same.

The website at <skipthegames.bio> is titled "SKIPTHEGAMES" and includes the title (as shown in the title bar of the browser) "Skip the Games is the best cheap escorts for Fun & Erotic Massage" and the description (as seen in the meta-tags for the website) "The Best female escort at Skip the Game. Best Cheap escorts alligator looking for Cheap & Tryst escort services. Find real female escort with skip da game". The website lists many cities in the United States. When clicking on a city name, listings for women are displayed, some with revealing and provocative photographs. The homepage states "Founded in Austin, Texas, Skip the Games has rapidly grown to become a popular choice for those seeking adult services." The website includes a copyright notice ("Copyright © 2009 – 2024") but does not identify the operator of the website, not even in the about us page, the privacy policy or website terms.

The website at <skipthegames.club> has similar functionality, design and content to the website at <skipthegames.bio>, but has less descriptive text.

5. Parties' Contentions

Both the Complainant and the Respondent filed submissions, as set out below.

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for the transfer of the disputed domain names.

In summary, the Complainant makes the following submissions:

The Respondent is using the disputed domain names for providing the same services as the Complainant in the United States.

The disputed domain names reproduce said trademark in its entirety without any distinctive elements causing confusing similarity, while the “.bio” / “.club” suffixes of the disputed domain names should be disregarded as a standard registration requirement.

By using the disputed domain names, the Respondent intentionally attempted to attract for commercial gain, Internet users to the Respondent websites, other online sites or downloadable software mobile applications, by creating a likelihood of confusion with the Complainant's mark SKIP THE GAMES as to the source, sponsorship, affiliation, or endorsement of the Respondent websites or location or services on the Respondent websites or location.

B. Respondent

The Respondent contends that the Complainant has not satisfied the second and third elements required under the Policy for the transfer of the disputed domain names.

In summary, the Respondent makes the following submissions:

The disputed domain names were registered before the Complainant applied for or obtained trademark rights in SKIP THE GAMES.

The Respondent registered the disputed domain names for classified ads and blog website. It was never intended to misuse or target the Complainant's trademark.

The disputed domain names have never been used to mislead, compete unfairly, or exploit the Complainant's brand.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

- (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 onus of proving these elements is on the Complainant.

Each disputed domain name must be considered separately.

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 names. 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 Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

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 the disputed domain names.

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 relevant evidence demonstrating rights or legitimate interests in the disputed domain names such as those enumerated in the Policy or otherwise. The Respondent's use of the disputed domain names to direct traffic to websites operating a dating and escort directory in competition with the Complainant does not, absent any legitimate explanation, provide the Respondent with rights or legitimate interests in the disputed domain names.

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

C. Registered and Used in Bad Faith

Generally speaking, a finding that a domain name has been registered and is being used in bad faith requires an inference to be drawn that the respondent in question has registered and is using the disputed domain name to take advantage of their significance as a trademark owned by (usually) the complainant.

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 Respondent does not expressly deny knowledge at the time he registered the disputed domain names of the Complainant. The Respondent's services are substantially identical to the Complainant's services and have the same branding. The Panel considers that it is not a coincidence that the Respondent registered and used the disputed domain names for a dating or escort website. The Panel notes from the Web Archive that the domain name <skipthegames.com> has been active for a long period of

time prior to the registration of the disputed domain names. The Panel concludes that the Respondent was likely aware of the Complainant when the Respondent registered and used the disputed domain names.

The Respondent states that he registered the disputed domain names prior to the Complainant filing for trademark protection. However, the correct question is whether the disputed domain names were registered without targeting the Complainant (or its nascent trademark rights). The Complainant claims (but does not provide evidence to support this claim) that the Complainant commenced use of the SKIP THE GAMES in 2014. The date of creation of the Complainant's <skipthegames.com> domain name is August 14, 2014, and the Panel has been able to verify through Web Archive that the websites at this domain name were substantially similar in 2014 and in 2024 (when the Complainant filed for its trademark application). The United States trademark registration (referred to in section 4 above) claims a date of first use of March 22, 2020. The Respondent has not challenged that date of first use. The Panel finds that the Respondent was likely registering the disputed domain names targeting the Complainant.

The Respondent is using the disputed domain names to unfairly compete with the Complainant.

The Panel finds that the Respondent has attempted to attract, for commercial gain, Internet users to the Respondent's websites by creating a likelihood of confusion as to the source, affiliation, or endorsement of the websites. This amounts to evidence of bad faith registration and use under paragraph 4(b)(iv) 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 <skipthegames.bio> and <skipthegames.club> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: September 29, 2025