

## **ADMINISTRATIVE PANEL DECISION**

Microsoft Corporation v. Huy Hoang  
Case No. D2025-3429

### **1. The Parties**

The Complainant is Microsoft Corporation, United States of America ("United States"), represented by Edward Nathan Sonnenbergs Inc., South Africa.

The Respondent is Huy Hoang, Viet Nam.

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

The disputed domain name <ageofempiresmerch.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 August 26, 2025. On August 26, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 26, 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 August 29, 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 September 3, 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 September 5, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 25, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on September 26, 2025.

The Center appointed Mireille Buydens as the sole panelist in this matter on October 1, 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 developer and provider of personal-computer software systems and applications, cloud computing services, video games and other online services. It is based in the United States but operates globally through subsidiaries, affiliates and licensees. The Complainant has become one of the largest information technology companies in the world.

The Complainant is the owner of the World's Edge Studios, which is an American video game developer running the Age of Empires franchise. Age of Empires is a series of historical real-time strategy video games, and has been a popular and critically acclaimed game for over 20 years. The Complainant also has a third-party licensing scheme for its Age of Empires franchise merchandise.

For its video game products and franchise merchandise, the Complainant owns a large portfolio of trademarks covering the AGE OF EMPIRES sign (hereafter "the AGE OF EMPIRES Trademark" or "the Trademark"), including notably the following trademark registrations:

- Australia trademark registration AGE OF EMPIRES (word) No. 720652 registered on September 5, 1997;
- Canada trademark registration AGE OF EMPIRES (word) No. TMA486998 registered on December 15, 1997;
- United States trademark registration AGE OF EMPIRES (word) No. 2137862 registered on February 17, 1998; and
- European Union trademark Registration AGE OF EMPIRES (word) No. 000393157 registered on July 17, 1998.

The Complainant uses the domain name <ageofempires.com> for the official website presenting and selling the Age of Empires video game.

The disputed domain name was registered on October 31, 2024. At the time of filing of the Complaint and at the time of this Decision, the disputed domain name resolves to an online shop titled "Age Of Empires Merch | Merchandise Store for Fans", allegedly selling and offering products (notably clothes, accessories, wall art, etc.) branded with the Complainant's AGE OF EMPIRES Trademark. The website under the disputed domain name explicitly pretends to sell products for dedicated players/fans of the video game Age of Empires. It mentions on the first page "All our products are *for fans, by fans*, carefully selected to ensure the highest quality for every fan!". The website does not identify the company running the website (only mentioning the address of a "US warehouse" and an email address), nor its relationship with the Complainant. The website mentions at the bottom "all of our products are designed by the Age of Empires Creative Team". The website further contains a copyright notice mentioning "Copyright 2025 © Age of Empires Merch. All Rights Reserved" and it reproduces the colors of the official Complainant's website (gold letters "AGE OF EMPIRES" on a black background).

#### **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 confusingly similar to the AGE OF EMPIRES Trademark as it includes the Trademark in its entirety. The second element of the disputed domain name (the word “merch”) is insufficient in itself to avoid a finding of confusing similarity. It is further well established that the Top-Level Domain (“TLD”) in a domain name (here, “.com”) is viewed as a standard registration requirement and as such is disregarded under the first element confusing similarity test.

The Complainant contends that the Respondent has no rights or legitimate interests in the disputed domain name. The Complainant has not licensed or otherwise permitted the Respondent to use the AGE OF EMPIRES Trademark and/or to register a domain name incorporating this Trademark. The Respondent is not making a legitimate noncommercial or fair use of the disputed domain name. On the contrary, the Respondent is not an authorized reseller of the Complainant and is using the disputed domain name for offering counterfeit items branded with the Complainant’s AGE OF EMPIRES Trademark and/or official Age of Empires content. The use of a trademark as a domain name by a reseller could be deemed a “bona fide offering of goods or services” within the meaning of the Policy only if certain conditions are satisfied, notably the fact that the site under the domain name sells authentic goods and accurately discloses the respondent’s relationship with the trademark owner – which is not the case here. In addition, the website under the disputed domain name further prominently uses the Complainant’s Trademark at the top of the website and also uses the Complainant’s official Age of Empires content without authorization, while at the same time presenting the designation “All of our products are designed by the Age of Empires Creative Team [...]” followed by a false claim of copyright in the material on the website. As a result, Internet users are misled regarding the relationship between the website under the disputed domain name and the Complainant, and will falsely believe the website to be a licensee of the Complainant and its AGE OF EMPIRES Trademark. Such use of the disputed domain name cannot be considered a bona fide offering of goods and does not establish a legitimate interest on behalf of the Respondent.

The Complainant finally contends that the Respondent registered and uses the disputed domain name in bad faith. The Respondent’s use of the disputed domain name (offering and selling inauthentic merchandising items bearing the AGE OF EMPIRES Trademark on a website depicting the Complainant’s Trademark) shows that the Respondent knew of the Complainant’s AGE OF EMPIRES Trademark when registering the disputed domain name. Furthermore, the term “Age of Empires” is purely an imaginative term, is unique to the Complainant, and is not commonly used to refer to video games. It is therefore beyond the realm of reasonable coincidence that the Respondent chose the disputed domain name, without the intention of invoking a misleading association with the Complainant.

The Complainant further contends that, by reproducing the Complainant’s Trademark in the disputed domain name and the title of the website under it, the Respondent is clearly suggesting to any Internet user that the Complainant (or an affiliated dealer of the Complainant) is the source of the website, which it is not. This suggestion is further supported by the Respondent’s use of the Complainant’s official Age of Empires content, accompanied by a copyright notice claiming the copyright for the website under the disputed domain name and its contents. As a result, it appears that the Respondent registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to the website under the disputed domain name by creating a likelihood of confusion with the Complainant’s AGE OF EMPIRES Trademark as to the source, sponsorship, affiliation, or endorsement of its website, which constitutes registration and use in bad faith pursuant to paragraph 4(b)(iv) of the Policy. Finally, the Complainant asserts that the fact that the Respondent is using a privacy protection service to hide its true identity may in itself constitute a factor indicating bad faith.

## **B. Respondent**

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

## 6. Discussion and Findings

Paragraph 4(a) of the Policy provides that the Complainant prove each of the following three elements in order to succeed in its Complaint:

- (i) the disputed domain name is 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 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.

Based on the available record, the Panel finds the Complainant has shown rights in respect of a trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the entirety of the AGE OF EMPIRES Trademark is reproduced within the disputed domain name. The only difference between the AGE OF EMPIRES Trademark and the disputed domain name is the addition of the term "merch". Although the addition of this term 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 Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Further, the generic TLD ".com" is a standard registration requirement which is typically disregarded when assessing if the disputed domain name is confusingly similar to the AGE OF EMPIRES Trademark.

Accordingly, the disputed domain name is confusingly similar to the AGE OF EMPIRES Trademark 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 is not licensed by, nor affiliated with, the Complainant in any way. There is no evidence that the Respondent is commonly known by the disputed domain name, nor is there any evidence of use or demonstrable preparations to use the disputed domain name for a bona fide offering of goods or services. There is no evidence of a legitimate noncommercial or fair use of the disputed domain name, either.

On the contrary, the Panel notes that the disputed domain name reproduces the well-known AGE OF EMPIRES Trademark in its entirety with the mere addition of the term “merch” which is the abbreviation of “merchandise” (thereby describing the merchandised items offered for sale on the website under the disputed domain name). In addition, the website under the disputed domain name prominently uses the Complainant’s Trademark at the top of the website and also uses the same colors as the Complainant’s official website (gold letters on a black background). The Panel further notes that the disputed domain name is very similar to the domain name used by the Complainant for its official website presenting the video game (<ageofempires.com> – the only difference being the addition of the abbreviation “merch” for “merchandise” (which describes the items offered for sale on the website under the disputed domain name). The website further displays a title “Merchandise Store” and claims that “All of our products are designed by the Age of Empires Creative Team [...]” followed by a false claim of copyright in the material on the website under the disputed domain name. Besides, the website does not identify the company running it and does not specify its (lack of) relationship with the Complainant. As a result, the Respondent induces Internet users into believing that the disputed domain name resolves to a website operated or endorsed by the Complainant. Panels have held that the use of a domain name for illegitimate activity, here, claimed impersonation/passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

The Panel notes that the website under the disputed domain name claims to be sell products that are “for fans, by fans”. However, for purposes of assessing fair use under UDRP, paragraph 4(c)(iii), a respondent’s fan site must be genuinely noncommercial, and clearly distinct from any official complainant site. WIPO Overview Section 2.7.1. In the present case, the website under the disputed domain name is not noncommercial (on the contrary, it claims to be commercial) and it is not clearly distinct from the Complaint’s official website.

For the foregoing reasons, 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.

Having reviewed the record, the Panel finds the Respondent’s registration and use of the disputed domain name constitutes bad faith under the Policy. The Panel notes that the Respondent has composed the disputed domain name by combining the Complainant’s well-known AGE OF EMPIRES Trademark with the word “merch” (abbreviation of “merchandise”, which is descriptive of the products offered for sale on the website under the disputed domain name). A quick search for the term “age of empires” online would have revealed to the Respondent the existence of the Complainant and its Trademark. As a result, the Panel finds that the Respondent was more likely than not aware of the Complainant’s Trademark at the time of the registration of the disputed domain name. [WIPO Overview 3.0](#) section 3.2.2.

Moreover, panels have held that the use of a domain name for illegitimate activity, here impersonating or passing off, constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. In the present case, the disputed domain name resolves to a website offering merchandised items (clothes, accessories, wall art, etc.) referring to the video game distributed by the Complainant. The Respondent attempts to pass itself off as an authorized reseller of merchandising items as (a) the website uses a title “Merchandise Store for fans”; (b) the website prominently displays the Complainant’s AGE OF EMPIRES Trademark and explicitly refers to the Age of Empires videogame of the Complainant; (c) the website uses the same colors of the Trademark as the one on the Complainant’s official website (golden letters on a black background); (d) the disputed domain name

is very similar to the Complainant's domain name for its official website presenting the video game (<ageofempires.com>), the only difference being the word "merch" referring to the sale of merchandised items; (e) the website does not identify the company running it nor its (lack of) relationship with the Complainant; (f) the website explains that designation "All of our products are designed by the Age of Empires Creative Team [...]" followed by a false claim of copyright in the material on the website. In light of this, it seems inconceivable that the Respondent would have registered and used the disputed domain name for a reason other than seeking to unduly benefit from the Complainant, its well-known AGE OF EMPIRES Trademark, and associated goodwill. The Panel finds that the Respondent has registered and used the disputed domain name with the intention to attract, for commercial gain, Internet users to the website under the disputed domain name by creating a likelihood of confusion with the Complainants' AGE OF EMPIRES Trademark as to the source, sponsorship, affiliation, or endorsement of its website or products, which constitutes use in bad faith pursuant to 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 name <ageofempiresmerch.com> be transferred to the Complainant.

*/Mireille Buydens/*

**Mireille Buydens**

Sole Panelist

Date: October 10, 2025