

ADMINISTRATIVE PANEL DECISION

Hector Manuel Fallas v. Sy Mark
Case No. D2025-3583

1. The Parties

The Complainant is Hector Manuel Fallas, Costa Rica, represented by Hulbert Volio Abogados, Costa Rica.

The Respondent is Sy Mark, United States of America (“United States”), self-represented.

2. The Domain Name and Registrar

The disputed domain name <skipthegames.app> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 3, 2025. On September 4, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 5, 2025, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the 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 10, 2025. In accordance with the Rules, paragraph 5, the due date for Response was September 30, 2025. The Response was filed with the Center on September 30, 2025.

The Center appointed Jeremy Speres as the sole panelist in this matter on October 9, 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 has, since 2014, provided online dating and escort directory services via a website hosted at its domain name <skipthegames.com> under its SKIP THE GAMES mark.

The Complainant's mark is registered in a number of jurisdictions, including United States Trademark Registration No. 7,642,585 SKIP THE GAMES in class 45, having a registration date of January 7, 2025.

The disputed domain name was registered on December 20, 2019, and currently resolves to a website entitled "Skip The Games App", offering a dating service and escort directory.

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 was registered and has been used in bad faith in order to take advantage of confusion with the Complainant's mark for the Respondent's commercial gain.

B. Respondent

The Respondent did not formally respond to the Complainant's contentions, other than to state that the Complainant's services are illegal and that the Complaint is therefore illegitimate.

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 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 entirety of the mark is reproduced within the disputed domain name, without the spaces between the words of the mark. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy, bearing in mind that spaces cannot be represented in domain names. [WIPO Overview 3.0](#), section 1.7; *Novomatic AG v. Oleg Bakanach*, WIPO Case No. [D2020-1667](#).

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 Complainant has made use of its mark, which is identical to the disputed domain name, on its domain name and website for roughly five years prior to registration of the disputed domain name, and the disputed domain name has been used for a competing service. 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.

For the reasons discussed in relation to bad faith below, it is likely that the Respondent registered the disputed domain name to take advantage of confusion with the Complainant’s mark. The Respondent’s registration and use of the identical disputed domain name in these circumstances cannot represent a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy and cannot confer rights or legitimate interests. *Sistema de Ensino Poliedro Vestibulares Ltda., Editora Poliedro Ltda. v. Anonymize, Inc. / STANLEY PACE*, WIPO Case No. [D2022-1981](#). The Panel notes that the Respondent’s contentions regarding the legitimacy of the Complainant’s operations do not address the Respondent’s conduct of using the Complainant’s mark for its own purposes or demonstrate that the Respondent has rights or legitimate interests in the disputed domain name.

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 disputed domain name was registered prior to registration of the Complainant’s trademark, which typically precludes a finding of bad faith. [WIPO Overview 3.0](#), section 3.8.1. However, as per the [WIPO Overview 3.0](#), section 3.8.2: in certain limited circumstances where the facts of the case establish that the respondent’s intent in registering the domain name was to unfairly capitalize on the complainant’s nascent (typically as yet unregistered) trademark rights, panels have been prepared to find that the respondent has acted in bad faith where the domain name was registered prior to the complainant’s trademark rights accruing.

In this case, the Complainant contends that the Complainant’s mark had been in use, including by incorporation of the mark into its domain name and website, for roughly five years prior to registration of the disputed domain name, which is identical to the mark, for a service identical in nature to that offered at the disputed domain name. The Respondent has not challenged the Complainant on the first use of the mark. Internet searches for the Complainant’s mark reveal results overwhelmingly relating to the Complainant,¹ and the Complainant’s mark is inherently unique and distinctive. In the circumstances, without any clear

¹ In accordance with its powers articulated inter alia in paragraphs 10 and 12 of the Rules, the Panel is entitled to conduct limited independent research into matters of public record. [WIPO Overview 3.0](#), section 4.8.

explanation from the Respondent, it is more likely than not that the Respondent sought to capitalize on confusion with the Complainant's offering, falling squarely within 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 <skipthegames.app> be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: October 16, 2025