

## **ADMINISTRATIVE PANEL DECISION**

Unept, LLC, Fingersoft Oy and Hill Climb Racing Oy v. Jack King, Ubg4all  
Case No. D2025-3844

### **1. The Parties**

The Complainants are Unept, LLC, United States of America ("United States"), Fingersoft Oy, Finland and Hill Climb Racing Oy, Finland, represented by Poki B.V., Netherlands (Kingdom of the).

The Respondent is Jack King, Ubg4all, United States.

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

The disputed domain names <hillclimbracing.org> and <leveldevil.org> are registered with Porkbun LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 20, 2025. On September 22, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 23, 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 29, 2025. In accordance with the Rules, paragraph 5, the due date for Response was October 19, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 22, 2025.

The Center appointed John Swinson as the sole panelist in this matter on October 28, 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 Complainants are computer game developers. The First Complainant (Unept, LLC) is a United States corporation. The Second and Third Complainants (Fingersoft Oy and Hill Climb Racing Oy) are related entities from Finland.

The First Complainant developed a game called Level Devil. The Second and Third Complainants developed a game called Hill Climb Racing.

Each of the Complainants has granted an exclusive license to Poki B.V. ("Poki"). Poki operates numerous websites on which it offers free online games to consumers around the world ("Poki Platform"). The Poki Platform is available in more than 34 languages and offers games by over 500 game developers. According to the Complainants, the Poki Platform is one of the world's leading brands for free online HTML games.

The First Complainant owns United States trademark registration for LEVEL DEVIL, filed on September 26, 2024 and registered on August 12, 2025 with registration number 7887332.

The Third Complainant owns European Union trademark registration for HILL CLIMB RACING (registration number 012822912) registered on March 10, 2015, and the United States trademark registration for HILL CLIMB with registration number 7392295, registered on May 21, 2024.

The Third Complainant also owns a European Union trademark registration for a logo of a red car driving up a hill. This is registration number 018084145, registered on October 16, 2019.

Poki publishes the Level Devil game on mobile and desktop platforms at "poki.com/en/g/level-devil". This game was first published in November 2023.

Poki publishes the Hill Climb Racing game on mobile and desktop platforms at "poki.com/en/g/hill-climb-racing-lite".

The disputed domain name <hillclimbracing.org> was registered on January 11, 2024.

The disputed domain name <leveldevil.org> was registered on January 18, 2024.

The websites at the disputed domain names allow players to play copies of the Level Devil and Hill Climb Racing games. For example, the website at the disputed domain name <hillclimbracing.org> states "Hill Climb Racing Unblocked" and shows the Third Complainant's red car logo. This website refers to "Fingersoft" in several places, states "Fingersoft is the creative force behind Hill Climb Racing, demonstrating their expertise in developing engaging and challenging mobile games" and has meta-data in the source that states "Play Hill Climb Racing - Master the physics, upgrade your vehicles, and conquer diverse terrains in this addictive and challenging racing game!"

The About page at the disputed domain name <hillclimbracing.org> states: "Welcome to Retro Bowl Game – Where Nostalgia Meets Touchdowns! At Retro Bowl Game, we're not just about pixels and polygons; we're about reliving the glory days of classic football gaming. Our mission is to take you on a journey back in time, to an era when games were simpler yet incredibly engaging. We've curated a collection of iconic retro football games that will transport you to the golden age of gaming." The About page at the disputed domain name <leveldevil.org> has similar wording.

## **5. Parties' Contentions**

### **A. Complainant**

The Complainants contend that they have satisfied each of the elements required under the Policy for a transfer of the disputed domain names.

In summary, the Complainants make the following submissions:

The Complainants contend that the Complainants' well-known and copyright protected games predate the date of registration of the disputed domain names.

The disputed domain names infringe the Complainants' trademark rights by using the Complainants' trademarks without permission for the same goods and services as the goods and services for which the Complainants have registered their trademarks. These trademarks are unlawfully used by the Respondent, both in the disputed domain names as well as in the content displayed on the websites at the disputed domain names.

The Respondent intentionally attempts to attract for commercial gain, players to the disputed domain names. The Respondent creates a likelihood of confusion with the Complainants' trademarks. Players on the websites at the disputed domain names might not know that they are playing illegal copies of the Complainants' games. This cannot be accidental as the Complainants' trademarks are used in the disputed domain names, illegal copies of the games are published on the websites at the disputed domain names, and the disputed domain names link to each other (and other infringing domain domains), presumably to keep the traffic on the disputed domain names.

### **B. Respondent**

The Respondent did not reply to the Complainants' contentions.

## **6. Discussion and Findings**

To succeed, the Complainants must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied in respect of each disputed domain name, namely:

(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 has been registered and is being used in bad faith.

The onus of proving these elements is on the Complainants.

Each disputed domain name must be considered separately.

### **Consolidation**

Paragraph 3(c) of the Rules states that a complaint may relate to more than one domain name, provided that the domain names are registered by the same domain name holder. In the present case, the named Respondent is the same for both disputed domain names.

The Complainant requests that the allegations of the three Complainants be consolidated in this Complaint. Paragraph 10(e) of the Rules grants a panel the power to consolidate multiple domain name disputes.

In assessing whether a complaint filed by multiple complainants may be brought against a single respondent, panels look at whether (i) the complainants have a specific common grievance against the respondent, or the respondent has engaged in common conduct that has affected the complainants in a similar fashion, and (ii) it would be equitable and procedurally efficient to permit the consolidation. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 4.11.1.

Here, the Complainants are both using the Poki Platform to distribute their games, and the Respondent's conduct is similar in respect of both games. Moreover, there are common elements of each website at the disputed domain names, and these websites both link to other websites of the Respondent.

The Panel considers it would be equitable and procedurally efficient to permit the consolidation.

The Panel finds that consolidation is appropriate in this case.

### **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 Complainants have shown rights in respect of relevant trademarks or service marks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds the marks are recognizable within the disputed domain names. Accordingly, the disputed domain names are identical to the relevant marks 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 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 Complainants have established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain names. The Respondent has not rebutted the Complainants' 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.

Panels have held that the use of a domain name for illegitimate activity (here, claimed software piracy and copyright infringement) can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1. *Gravity Co., LTD. and Gravity Interactive, Inc. v. Domain Privacy Service FBO Registrant / Junior Silva*, WIPO Case No. [D2021-2648](#).

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

### **C. Registered and Used in Bad Faith**

Paragraph 4(a)(iii) of the Policy provides that the Complainant must establish that the Respondent registered and subsequently used the disputed domain name in bad faith.

In the present circumstances, the fact that the disputed domain names resolve to websites that promote pirated versions of the Complainants' computer games leads the Panel to conclude that the registration and use of the disputed domain names are in bad faith.

The Respondent's conduct demonstrates the Respondent's knowledge of the Complainants and their trademarks. Registering the disputed domain names and then using the disputed domain names to market a pirated version of the Complainants' software, and specifically referring to the Complainants on such websites, demonstrates that the Respondent specifically knew of and targeted the Complainants. While the disputed domain name <leveldevil.org> was registered before the registration of the Complainants' LEVEL DEVIL mark, it was registered after the Complainant published the Level Devil game and it is clear that the Respondent knew of and sought to unfairly capitalize on the Complainant's nascent trademark rights.

[WIPO Overview 3.0](#), section 3.8.2.

The Panel finds that the Respondent has intentionally attempted to attract for commercial gain Internet users to its websites by creating likelihood of confusion with the Complainants' trademarks as to the source, sponsorship, affiliation, or endorsement of the website under paragraph 4(b)(iv) of 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 names <hillclimbracing.org> and <leveldevil.org> be transferred to the Complainants.

*/John Swinson/*

**John Swinson**

Sole Panelist

Date: November 11, 2025