

ADMINISTRATIVE PANEL DECISION

Unity Technologies ApS v. Md Azharuddin, unityassets4free.com
Case No. D2025-4043

1. The Parties

The Complainant is Unity Technologies ApS, Denmark, represented internally.

The Respondent is Md Azharuddin, unityassets4free.com, India.

2. The Domain Name and Registrar

The disputed domain name <unityassets4free.com> is registered with Tucows Domains Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 2, 2025. On October 3, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 3, 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 (Contact Privacy Inc. Customer 0155890639) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 7, 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 October 8, 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 October 16, 2025. In accordance with the Rules, paragraph 5, the due date for Response was November 9, 2025. The Respondent sent email communications to the Center on October 7, 2025, October 8, 2025, October 13, 2025, October 15, 2025, October 16, 2025, October 22, 2025, October 23, 2025, October 24, 2025, November 11, 2025, and November 13, 2025.

The Center appointed Andrea Mondini as the sole panelist in this matter on November 13, 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 active in the fields of software development and computer game technology and has operated an online store featuring digital media and computer games under “assetstore.unity.com” since June 2017.

The Complainant owns numerous trademark registrations in several jurisdictions, including:

TRADEMARK	JURISDICTION	REGISTRATION NUMBER	REGISTRATION DATE
UNITY	European Union	10829158	August 30, 2014
UNITY	India	1294494	December 22, 2015

The disputed domain name was registered on October 6, 2019.

According to the evidence submitted with the Complaint, the disputed domain name resolved to an online webstore purporting to offer digital media under the heading “Unity Asset4Free”. The Respondent has meanwhile taken down that content. Currently, the disputed domain name resolves to an error page.

The Complainant submitted prior communication exchanged between March 5, 2024, and May 21, 2024, with the Registrar, the Respondent and the Host, requesting that the Respondent cease and desist from using the disputed domain name.

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 as follows:

The trademark UNITY is well known in the field of software development and computer gaming and has been extensively used to identify the Complainant and its products and services. The disputed domain name is confusingly similar to the UNITY trademark in which the Complainant has rights, because it incorporates this trademark in its entirety.

The Respondent has no rights or legitimate interests in respect of the disputed domain name. The Respondent has not been authorized by the Complainant to use this trademark, is not commonly known by the disputed domain name, and there is no evidence of the Respondent's use, or demonstrable preparation to use, the disputed domain name in connection with a bona fide offering of goods and services. On the contrary, the website posted under the disputed domain name offers for free the unauthorized downloading of content taken from the Complainant's website.

The disputed domain name was registered and used in bad faith to intentionally capitalize on the Complainant's trademark, deceive Internet users, disrupt the Complainant's business and operate outside the bounds of legitimate activity.

B. Respondent

The Respondent did not submit a formal response, but sent several emails to the Center, initially asking explanations about the proceedings, stating that it had been using the disputed domain name for eight years, and that it did not want to lose the disputed domain name. In its email of October 22, 2025, to the Center, the Respondent stated in essence that he acknowledged that the disputed domain name is similar to the Complainant's trademark and that he will cancel it, but would like to use it for the remainder of this year. On October 23, 2025, he reiterated: "*As I said I will cancel the domain and won't be using anymore as per my given or requested time*". In his further messages, he in essence repeated his position.

6. Discussion and Findings

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the 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.

6.1 Procedural Issues

In an informal email to the Center of November 13, 2025, the Respondent alleged that he had already cancelled the disputed domain name and that therefore he did not understand why the proceedings were still ongoing. In the Panel's view, considering the Respondent's prior declaration that he would cancel the disputed domain name, this allegation is relevant. Therefore, the Panel decides to admit the Respondent's informal response. However, the Panel notes that as of the date of this decision the Whois status shows that the disputed domain name is still registered and that transfer is prohibited. The Respondent has merely taken down the content he had previously posted under the disputed domain name, which now resolves to an error web page. Therefore, the Panel will proceed with examining the substantive issues.

6.2 Substantive issues

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 Panel finds the entirety of the mark is reproduced within the disputed domain name.

Although the addition of other terms such as here "assets" and "4free" may bear on assessment of the second and third elements, the Panel finds that in the present case 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, particularly considering that the Complainant's official website is posted under a domain name containing the terms "unity" and "asset". [WIPO Overview 3.0](#), section 1.8. The Respondent admitted the similarity between the Complainant's trademark and the disputed domain name.

The addition of the generic Top-Level Domain ("gTLD") ".com" in the disputed domain name is a standard registration requirement and as such may be disregarded under the confusing similarity test under the Policy, paragraph 4(a)(i). [WIPO Overview 3.0](#), section 1.11.1.

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 for a complainant to prove that 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. On the contrary, the Respondent expressly agreed to cancel the disputed domain name.

Based on the available record, 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. [WIPO Overview 3.0](#), section 3.2.1.

In the view of the Panel, noting that the Complainant's trademark predates the registration of the disputed domain name and considering that the disputed domain name resolved to a website purporting to offer the Complainant's products for free, it is inconceivable that the Respondent could have registered the disputed domain name without knowledge of the Complainant's trademark. In the circumstances of this case, this is evidence of registration in bad faith.

The Panel holds that by previously using the disputed domain name to offer the Complainant's products for free, the Respondent has registered the disputed domain name primarily for the purpose of disrupting the Complainant's business in the sense of Policy, paragraph 4(b)(iii).

The Disputed Domain Name currently resolves to an error page. Panels have found that the non-use of a domain name (including a blank or “coming soon” page) would not prevent a finding of bad faith under the doctrine of passive holding. Although panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive holding doctrine include: (i) the degree of distinctiveness or reputation of the complainant's mark, (ii) the composition of the disputed domain name, (iii) the failure of the respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iv) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement). [WIPO Overview 3.0](#), section 3.3.

Having reviewed the available record, the Panel notes the distinctiveness and reputation of the Complainant's trademark, the composition of the disputed domain name, the Respondent's failure to take action on the Complainant's pre-complaint messages, and the Respondent's declaration that he would cancel the disputed domain name. Therefore, the Panel finds that in the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Based on the available record, the Panel finds that the Complainant has established the third element of the Policy with regard to the disputed domain name.

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 <unityassets4free.com> be transferred to the Complainant.

/Andrea Mondini/
Andrea Mondini
Sole Panelist
Date: November 20, 2025