

ADMINISTRATIVE PANEL DECISION

Embark Studios AB v. Nguyen Van Doan
Case No. D2025-4674

1. The Parties

The Complainant is Embark Studios AB, Sweden, represented by Westerberg & Partners Advokatbyrå AB, Sweden.

The Respondent is Nguyen Van Doan, Viet Nam.

2. The Domain Name and Registrar

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

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on November 11, 2025. On November 11, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 12, 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 (unknown) and contact information in the Complaint. The Center sent an email communication to the Complainant on November 12, 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 amendment to the Complaint on November 12, 2025.

The Center verified that the Complaint together with the amendment to 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 November 14, 2025. In accordance with the Rules, paragraph 5, the due date for Response was December 4, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on December 9, 2025.

The Center appointed Olga Zalomiy as the sole panelist in this matter on December 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 is a Swedish video gaming studio based in Stockholm. The Complainant owns the European Union registration No. 018339799 for THE FINALS trademark, registered on March 10, 2021.

The Complainant sells its own merchandise under the THE FINALS trademark on the website associated with the <merch.reachthefinals.com> domain name.

The disputed domain name was registered on May 11, 2025. The disputed domain name currently does not resolve to any active website. In the past, the disputed domain name directed Internet users to an online store, which offered purported THE FINALS goods for sale. The website under the disputed domain name used to display the Complainant's trademark, a statement "The Finals Merchandise Store is the OFFICIAL Store for the Finals fans..." and in-game assets from the Complainant's game.

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 its THE FINALS trademark because the disputed domain name reproduces the Complainant's mark in its entirety. The Complainant argues that the inclusion of the descriptive terms "merch" and "shop" fails to alleviate the confusion between the disputed domain name and the Complainant's trademark.

The Complainant submits that the Respondent has no rights or legitimate interests in the disputed domain name because: (i) there is no evidence that the Respondent owns any trademark right in THE FINALS mark; (ii) the Respondent's is neither affiliated or has been authorized by the Complainant to use its THE FINALS trademark in the disputed domain name or in any other form; (iii) the disputed domain name is used to resolve to a website that offers for sale merchandise under the Complainant's trademark and that displays the Complainant's in-game assets. The Complainant contends that the website under the disputed domain name prominently displayed the Complainant's trademark and the statements "official merchandise store for The Finals fans". The Complainant asserts that the Respondent sells products containing the Complainant's trademark and products containing the Complainant's in-game assets. The Complainant alleges that the Respondent is not making fair use of the disputed domain name, as it is being used for commercial purposes to divert consumers.

The Complainant asserts that the Respondent registered the disputed domain name in bad faith, because the Respondent registered it with the Complainant's trademark in mind. The Complainant argues that its trademark was registered prior to the disputed domain name registration. The fact that website associated with the disputed domain name offers goods bearing the Complainant's trademark or its in-game assets indicates that the Respondent was aware of the Complainant's trademark. The Complaint contends that the Respondent sells merchandise that competes with the Complainant's products which shows that the Respondent intentionally attempted to attract for commercial gain, Internet users to his website, by creating likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of his website. This allegation is confirmed by the Respondent's display of the statement that the website is the official website for The Final's merchandise.

B. Respondent

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

6. Discussion and Findings

Pursuant to paragraph 4(a) of the Policy, to succeed in this proceeding, the Complainant must prove each of the following elements with respect to the disputed domain name:

- (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.

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. Accordingly, the disputed domain name is confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. The inclusion of the generic Top Level Domain ".shop" is typically disregarded in the context of the confusing similarity assessment, being a technical requirement of registration. [WIPO Overview 3.0](#), section 1.11.1.

Although the addition of other terms here, the term "merch", 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 mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

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 evidence on record shows that the Respondent is not commonly known by the disputed domain name. The Respondent has not been authorized by the Complainant to use the Complainant's trademark in a domain name.

Nor does the Respondent's prior use of the disputed domain name establish any rights or legitimate interests of the Respondent. Previous UDRP panels have recognized that resellers or distributors using domain names containing the complainant's trademark to undertake sales of the complainant's goods may be making a bona fide offering of goods and thus have rights or legitimate interests in such domain names in some situations.

Outlined in the *Oki Data* case,¹ the following cumulative requirements must be satisfied for the respondent to make a bona fide offering of goods and services:

- “(i) the respondent must actually be offering the goods or services at issue;
- (ii) the respondent must use the site to sell only the trademarked goods or services;
- (iii) the site must accurately and prominently disclose the registrant's relationship with the trademark holder; and
- (iv) the respondent must not try to corner the market in domain names that reflect the trademark.”

Here, the disputed domain name was used to resolve to the website, which offered for sale the merchandise under the Complainant's trademark. The website prominently displayed the statements the “the OFFICIAL Store for the Finals fans” and goods bearing the Complainant's THE FINALS trademark and the Complainant's in-game assets. The website under the disputed domain name did not disclose the Respondent's lack of any relationship with the Complainant. Therefore, the Respondent failed to satisfy the *Oki Data* test.

The current passive holding of the disputed domain name, also does not grant the Respondent any rights or legitimate interests.

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.

In the present case, the Panel notes that the Respondent registered the disputed domain name incorporating the Complainant's trademark and the descriptive term “merch” several years after the Complainant's trademark registration. The Respondent's lack of rights or legitimate interests in the disputed domain name, the absence of a credible explanation for choosing the disputed domain name, the composition of the disputed domain name; and the Respondent's use of the disputed domain name to direct to a website offering for sale goods under the Complainant's mark and displaying the Complainant's in-game assets indicate that the disputed domain name was registered in bad faith.

The UDRP establishes that, for purposes of paragraph 4(a)(iii), bad faith registration and use of a domain name can be established by a showing of circumstances indicating that the respondent is using the domain name to intentionally attempt to attract, for commercial gain, Internet users to the respondent's website or other online location, by creating a likelihood of confusion with the complainant's mark as to source,

¹ See [WIPO Overview 3.0](#), section 2.8.1; and *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#).

sponsorship, affiliation or endorsement of the respondent's website or location, or of a product or service on the respondent's website or location. See Policy, paragraph 4(b)(iv).

Prior UDRP panels have found "the following types of evidence to support a finding that a respondent has registered a domain name to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the complainant's mark: (i) actual confusion; (ii) seeking to cause confusion (including by technical means beyond the domain name itself) for the respondent's commercial benefit, even if unsuccessful; (iii) the lack of a respondent's own rights to or legitimate interests in a domain name; (vi) absence of any conceivable good faith use. [...]" [WIPO Overview 3.0](#), section 3.1.4.

Here, the Respondent, who has no rights to or legitimate interests in the disputed domain name, registered the disputed domain name that incorporates the Complainant's trademark and used it to operate an online store selling goods under the Complainant's trademark. The website prominently displayed the Complainant's trademark and included statement that it was the "OFFICIAL Store for the Finals fans..." and offered for sale goods bearing the Complainant's trademark and in-game assets from the Complainant's game. Therefore, the Panel concludes that the Respondent registered and is using the disputed domain name to intentionally attempt to attract, for commercial gain, Internet users to the Respondent's website or other online location, by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of the Respondent's website or location, or of a product or service on the Respondent's website or location.

Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available record, the Panel notes the composition of the disputed domain name, the Respondent's bad faith use of the disputed domain name at the time the Complaint was filed, and finds that in the circumstances of this case the current passive holding of the disputed domain name does not prevent a finding of bad faith under 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 <thefinalsmerch.shop> be transferred to the Complainant.

/Olga Zalomiy/

Olga Zalomiy

Sole Panelist

Date: December 19, 2025