

ADMINISTRATIVE PANEL DECISION

Embark Studios AB v. Trai Pham

Case No. D2026-0180

1. The Parties

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

The Respondent is Trai Pham, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <arcraidersstore.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 January 16, 2026. On January 16, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 16, 2026, 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) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 19, 2026, 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 January 22, 2026.

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 January 26, 2026. In accordance with the Rules, paragraph 5, the due date for Response was February 15, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 16, 2026.

The Center appointed Dawn Osborne as the sole panelist in this matter on February 19, 2026. 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, a computer games company, is the owner of the mark ARC RAIDERS registered, inter alia, as European mark no 018339795 since May 16, 2023 for computer games and related goods including clothing.

The disputed domain name registered on December 8, 2025 points to a website impersonating the Complainant making prominent use of the Complainant's ARC RAIDERS mark in its logo form and another of the Complainant's prior registered marks EMBARK with its attendant logo and describing itself as "official" to offer for sale merchandise bearing the Complainant's ARC RAIDERS mark and its logo and other graphics relating to the Complainant's computer games.

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 Complainant's prior mark merely adding the generic word "store" and the generic top-level domain ("gTLD") ".com".

The Respondent is not commonly known by the disputed domain name and has not been authorised by the Complainant to use the Complainant's mark.

The disputed domain name points to a website impersonating the Complainant making prominent use of the Complainant's ARC RAIDERS mark in its logo form and another of the Complainant's prior registered marks EMBARK with its attendant logo and describing itself as "official" to offer goods bearing the Complainant's ARC RAIDERS mark and its logo and other graphics relating to the Complainant's computer games. This is not a bona fide offering of services or a noncommercial legitimate fair use. It is registration and use in bad faith causing confusion for commercial gain.

B. Respondent

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

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 (["WIPO Overview 3.1"](#)), section 1.7.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 3.1](#), section 1.7.

Although the addition of other terms here, “store”, 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 3.1](#), 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 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 3.1](#), 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 has used the disputed domain name to point to a website impersonating the Complainant making prominent use of the Complainant’s ARC RAIDERS mark in its logo form and another of the Complainant’s prior registered marks EMBARK with its attendant logo and describing itself as “official” to offer goods bearing the Complainant’s ARC RAIDERS mark and its logo and other graphics relating to the Complainant’s computer games without permission. This is not a bona fide offering of services or a noncommercial legitimate fair use.

Panels have held that the use of a domain name for illegitimate activity here, impersonation and passing off can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1.

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 has used the disputed domain name to point to a website impersonating the Complainant making prominent use of the Complainant’s ARC RAIDERS mark in its logo form and another of the Complainant’s marks EMBARK with its attendant logo and describing itself as “official” to purport to offer goods bearing the Complainant’s ARC RAIDERS mark and its logo and other

graphics relating to the Complainant's computer games. Accordingly, the Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant's mark, disrupting the Complainant's business.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.1](#), section 3.2.1.

Panels have held that the use of a domain name for illegitimate activity here, impersonation and passing off constitutes bad faith. [WIPO Overview 3.1](#), section 3.1.4. 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 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 <arcraidersstore.com> be transferred to the Complainant.

/Dawn Osborne/

Dawn Osborne

Sole Panelist

Date: February 26, 2026