

ADMINISTRATIVE PANEL DECISION

Microsoft Corporation v. Ban Van Hieu
Case No. D2026-2773

1. The Parties

The Complainant is Microsoft Corporation, United States of America ("US"), represented by Edward Nathan Sonnenbergs Inc., South Africa.

The Respondent is Ban Van Hieu, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <theouterworlds.shop> is registered with NameSilo, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on June 25, 2026. On June 25, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 25, 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 (PrivacyGuardian.org) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 29, 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 July 3, 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 July 7, 2026. In accordance with the Rules, paragraph 5, the due date for Response was July 27, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on July 28, 2026.

The Center appointed Mehmet Polat Kalafatoğlu as the sole panelist in this matter on August 4, 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 is a leading developer and provider of personal-computer software systems and applications, cloud computing services, video games, and other online services, with global operations through its subsidiaries, affiliates, and/or licensees. The Complainant states that it owns several game development and publishing labels and studios as part of its larger Microsoft Gaming division. One of the Complainant's studios, Xbox Game Studios, includes Obsidian Entertainment, Inc., which developed the action role-playing video game "The Outer Worlds". For its video game products and franchise merchandise, the Complainant owns a large portfolio of trademarks, including the following:

- the International trademark registration for THE OUTER WORLDS, No. 1424877, registered on July 24, 2018; and
- the US trademark registration for THE OUTER WORLDS, No. 6420214, registered on July 13, 2021.

The disputed domain name was registered on May 11, 2025. It resolves to a website in English that purportedly offers to sell unauthorized THE OUTER WORLDS merchandise. The record shows that the website is prominently using the THE OUTER WORLDS trademark, for example, at the top of the website, within the tab interface, and on the website banner. At the bottom of the website, there is a copyright notice that reads as follows: "© The Outer Worlds Shop – Official The Outer Worlds Merchandise Store 2026 all rights reserved."

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. The Complainant's contentions are summarized below.

The Complainant contends that the disputed domain name resolves to a website that allegedly sells and offers third-party products and accessories of other commercial origin. This is not only infringing the Complainant's trademark but also the Complainant's copyright-protected content in or emanating to and/or from The Outer Worlds video game franchise. The website is misleadingly purporting to be an official, exclusive, and authorized online retailer of the Complainant's The Outer Worlds franchise merchandise on a global basis. The Complainant submits that the disputed domain name is confusingly similar to its trademark. The Respondent has no rights or legitimate interests in respect of the disputed domain name. The disputed domain name was registered and is being used in bad faith.

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 Select 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 identical to the mark for the purposes of the Policy. [WIPO Overview 3.1](#), 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 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. In this regard, the Panel considers the Complainant's unrefuted statements that it has not licensed or otherwise permitted the Respondent to use any of its trademarks or to register a domain name incorporating its THE OUTER WORLDS trademark. In particular, the Panel considers that the use of the disputed domain name described above and the copyright notice on the website indicates an attempt to impersonate the Complainant or pass itself off as an official merchandise store authorized by the Complainant, which does not support a finding of rights or legitimate interests. [WIPO Overview 3.1](#), section 2.13.1.

By failing to submit a Response, 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.

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.

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.

In the present case, the Panel first considers the registration dates of the Complainant's trademark and the disputed domain name, the fact that the disputed domain name is identical to the Complainant's trademark, and the Respondent's use of the disputed domain name to pass off as an official merchandise store authorized by the Complainant. As a result, the Panel finds it clear that the Respondent was aware of the Complainant's trademark at the time of registering the disputed domain name and targeted the said trademark for its commercial gain.

Considering the use of the disputed domain name described above, the Panel finds it clear that the Respondent, by using the disputed domain name, has intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusing with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of its website or of the merchandise allegedly offered for sale on its website.

Accordingly, 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 <theouterworlds.shop> be transferred to the Complainant.

/Mehmet Polat Kalafatoğlu/

Mehmet Polat Kalafatoğlu

Sole Panelist

Date: August 18, 2026