

ADMINISTRATIVE PANEL DECISION

Rebel Wolves Spolka Z Ograniczona Odpowiedzialnoscia v. Philippe Dupont
Case No. D2026-3863

1. The Parties

Complainant is Rebel Wolves Spolka Z Ograniczona Odpowiedzialnoscia, Poland, represented by Olesiński i Wspólnicy spółka komandytowa, Poland.

Respondent is Philippe Dupont, France.

2. The Domain Name and Registrar

The disputed domain name <the-blood-of-dawnwalker.com> (the “Domain Name”) is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 28, 2026. On August 28, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On August 31, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to Complainant on September 1, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on September 4, 2026.

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 Respondent of the Complaint, and the proceedings commenced on September 7, 2026. In accordance with the Rules, paragraph 5, the due date for the Response was September 27, 2026. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on September 30, 2026.

The Center appointed John C. McElwaine as the sole panelist in this matter on October 2, 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

Complainant is a Polish limited liability company and is a video game developer. One of Complainant's video games is entitled "The Blood of Dawnwalker" (the "Game"), which is a dark fantasy role-playing game. Complainant owns a portfolio of registered trademarks for THE BLOOD OF DAWNWALKER and DAWNWALKER in numerous jurisdictions, including the following:

- THE BLOOD OF DAWNWALKER, European Union Trade Mark ("EUTM") No. 019119604, figurative mark, registered April 17, 2025, in International Classes 9, 14, 16, 21, 25, 28, 38, 41, 42, and 45;
- DAWNWALKER, EUTM No. 018616201, word mark, registered April 12, 2022, in International Classes 9, 16, 21, 25, 28, 38, 41, 42, and 45; and
- DAWNWALKER, United States Reg. No. 97205282, figurative mark, registered January 16, 2024, in International Classes 9, 16, 21, 25, 28, 38, 41, 42, and 45.

(Collectively, these registered trademark rights are referred to as the "DAWNWALKER Marks.")

The Domain Name was registered on July 20, 2026, more than eighteen months after Complainant first published content bearing the DAWNWALKER Marks and only weeks before the Game's scheduled release. The Domain Name resolves to a commercial website under the banner "The Blood of Dawnwalker Merch" that offers for sale a wide range of merchandise bearing the DAWNWALKER Marks and references to the Game. The website prominently displays the THE BLOOD OF DAWNWALKER mark and logo, presents its products as "Official Merchandise" and "Official Merchandise & Accessories", reproduces artwork and promotional images originating from Complainant's official materials, and references characters and locations from the Game's fictional universe, including Coen, Brencis, and Vale Sangora.

Respondent is Philippe Dupont, of France. The registrant information for the Domain Name was initially shielded by a privacy service, Withheld for Privacy ehf.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

With respect to the first element, Complainant contends that the Domain Name is confusingly similar to the DAWNWALKER Marks because it directly incorporates the distinctive designation "The Blood of Dawnwalker", which constitutes the dominant and readily recognizable element of the THE BLOOD OF DAWNWALKER trademark and contains the DAWNWALKER trademark in its entirety. Complainant further contends that the content of the website to which the Domain Name resolves, which prominently displays Complainant's marks, presents the site as a source of "Official Merchandise", and reproduces Complainant's artwork, confirms that Respondent targeted Complainant and that this is a case of impersonation.

With respect to the second element, Complainant contends that Respondent has no rights or legitimate interests in the Domain Name. Complainant states that Respondent has never been authorized or licensed to use the DAWNWALKER Marks, is not commonly known by the Domain Name, and is not making a bona fide offering of goods or services or a legitimate noncommercial or fair use. Complainant argues that Respondent operates a commercial website that falsely presents itself as an official source of merchandise, and that Respondent cannot rely on the fan-site doctrine because the website is commercial in nature, is not clearly distinguishable from an official site of Complainant, and contains no disclaimer.

With respect to the third element, Complainant contends that the Domain Name was registered and is being used in bad faith. Complainant asserts that the Domain Name was registered long after Complainant secured its trademark rights and publicly launched and extensively promoted the Game, that Respondent intentionally sought to attract Internet users for commercial gain by creating a likelihood of confusion as to source, sponsorship, affiliation, or endorsement, and that Respondent reproduced Complainant's trademarks, artwork, promotional materials, characters, and locations, and presented the website as an official source of merchandise, in order to capitalize on the goodwill and recognition associated with the Game.

B. Respondent

Respondent did not reply to Complainant's contentions.

6. Discussion and Findings

Even though Respondent has defaulted, paragraph 4 of the Policy requires that, in order to succeed in this UDRP proceeding, Complainant must still prove its assertions with evidence demonstrating:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which Complainant has rights;
- (ii) Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

Because of Respondent's default, the Panel may accept as true the reasonable factual allegations stated within the Complaint and may draw appropriate inferences therefrom. See *St. Tropez Acquisition Co. Limited v. AnonymousSpeech LLC and Global House Inc.*, WIPO Case No. [D2009-1779](#); *Bjorn Kassoe Andersen v. Direction International*, WIPO Case No. [D2007-0605](#); see also paragraph 5(f) of the Rules ("If a Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the complaint"). Having considered the Complaint, the Policy, the Rules, the Supplemental Rules and applicable principles of law, the Panel's findings on each of the above-cited elements are as follows.

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 Complainant's trademark and the Domain Name. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("[WIPO Overview 3.1](#)"), section 1.7.

Complainant has shown rights in respect of the THE BLOOD OF DAWNWALKER and DAWNWALKER trademarks for the purposes of the Policy through its numerous registered trademark rights, including in the European Union and the United States of America. [WIPO Overview 3.1](#), section 1.2.1.

The Panel finds that the DAWNWALKER Marks are recognizable within the Domain Name. [WIPO Overview 3.1](#), section 1.7. The Domain Name reproduces the distinctive designation “The Blood of Dawnwalker” in its entirety and necessarily contains the DAWNWALKER mark in full, differing only by the addition of hyphens between the words. Accordingly, Complainant’s marks are clearly recognizable within the Domain Name, and the Domain Name is confusingly similar, if not identical, to marks in which Complainant has rights. [WIPO Overview 3.1](#), section 1.7.

The Panel finds that the Domain Name is confusingly similar to marks in which Complainant has rights. 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 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 may require information 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 shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such evidence, the complainant is deemed to have satisfied the second element. [WIPO Overview 3.1](#), section 2.1. See also *Vicar Operating, Inc. v. Domains by Proxy, Inc. / Eklin Bot Systems, Inc.*, WIPO Case No. [D2010-1141](#).

Having reviewed the available record, the Panel finds that Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. Complainant has not authorized or licensed Respondent to use the DAWNWALKER Marks or to register domain names incorporating those marks, and there is no evidence that Respondent has been commonly known by the Domain Name. The designation “The Blood of Dawnwalker” is uniquely associated with Complainant and the Game, and Respondent, having defaulted, has offered no explanation for its selection of the Domain Name and no evidence of any legitimate interest.

Respondent’s operation of a commercial merchandise website does not constitute a bona fide offering of goods or services. Respondent uses the Domain Name to sell merchandise bearing Complainant’s marks while presenting the website as a source of “Official Merchandise”, thereby creating the false impression that the website is operated, endorsed, or authorized by Complainant. Respondent’s use is not nominative or otherwise fair: a respondent’s use of a domain name will not be considered fair if it falsely suggests affiliation with the trademark owner. [WIPO Overview 3.1](#), section 2.5.

Nor can Respondent rely on the fan-site doctrine. For purposes of assessing fair use, a fan site must be active, genuine, and clearly distinct from any official site of the complainant. The website here is manifestly commercial, offering a wide range of products for sale; it is not clearly distinguishable from an official site of Complainant but, on the contrary, expressly promotes its products as “Official Merchandise” and “Official Merchandise & Accessories”; and it contains no disclaimer or other indication that it is operated by a third party unrelated to Complainant. Even if the website available under the Domain Name were considered a fan site — which Complainant expressly denies — Section 2.7.2 of the [WIPO Overview 3.1](#) further clarifies:

“Where a domain name which is identical to a trademark (i.e., <trademark.tld>) is being used in relation to a genuine noncommercial fan site, panels have tended to find that a general right to operate a fan site (even one that is supportive of the mark owner) does not extend to registering or using a domain name that is identical to the complainant’s trademark, particularly as such an impersonation of the domain name may be misunderstood by Internet users as being somehow sponsored or endorsed by the trademark owner..”

Accordingly, Respondent cannot rely on the fan-site doctrine to establish any rights or legitimate interests in the Domain Name.

The Panel further notes that the website provides no contact information or verifiable details identifying the entity operating it — no company name, registration number, or registered address, which further undermines any claim that Respondent is making a legitimate use of the Domain Name or is a genuine, identifiable business.

Instead, the record demonstrates that Respondent has used the Domain Name to impersonate Complainant. The website prominently features Complainant's marks and logo, reproduces Complainant's copyright-protected artwork and promotional materials, incorporates characters and locations from the Game, and holds itself out as an official source of merchandise, thereby misleading Internet users into believing that the website is operated by, affiliated with, or authorized by Complainant when it is not. Such impersonation is inconsistent with a bona fide offering of goods or services and constitutes clear evidence of an intent to capitalize on Complainant's reputation. Panels have consistently held that impersonation of a complainant, and the use of a domain name for conduct constituting trademark infringement and passing off, can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.1](#), section 2.13.1; see *On AG, On Clouds GmbH v. Nguyen Luu, Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf, Vuong Hoang, AN NGUYEN, NEO CORP., and Ngoc Tam Nguyen*, WIPO Case No. [D2021-1714](#) ("a [disputed domain name's] use cannot be deemed bona fide if the disputed domain names constitute trademark infringement").

Respondent has not rebutted Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the Domain Name such as those enumerated in the Policy¹ or otherwise.

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

C. Registered and Used in Bad Faith

Under paragraph 4(a)(iii) of the Policy, Complainant must show that Respondent registered and is using the Domain Name in bad faith. A non-exhaustive list of factors constituting bad faith registration and use is set out in paragraph 4(b) of the Policy. The Panel accepts and adopts Complainant's contentions on this element.

Starting with registration, bad faith registration can be found where a respondent "knew or should have known" of a complainant's trademark rights and nevertheless registered a domain name in which it had no rights or legitimate interests. See *Accor v. Kristen Hoerl*, WIPO Case No. [D2007-1722](#). The DAWNWALKER Marks are distinctive and were registered and used in commerce well before Respondent registered the Domain Name on July 20, 2026. By that date, Complainant had secured its trademark rights, publicly launched and extensively promoted the Game, generated tens of millions of views across gaming and entertainment platforms, and announced the Game's imminent release. The Domain Name reproduces Complainant's distinctive designation in its entirety and resolves to a website offering merchandise associated with the Game. In these circumstances, it is inconceivable that Respondent was unaware of Complainant, the Game, and the DAWNWALKER Marks, and there is no plausible explanation for Respondent's registration of the Domain Name other than to trade off the goodwill and reputation of Complainant's marks by claiming to be an "official" website. The Panel finds that Respondent registered the Domain Name with Complainant's marks firmly in mind and with the intention of exploiting them. [WIPO Overview 3.1](#), section 3.2.2.

¹ The Policy, paragraph 4(c), provides a non-exhaustive list of circumstances in which a respondent could demonstrate rights or legitimate interests in a disputed domain name: "(i) before any notice to you of the dispute, your use of, or demonstrable preparations to use, the domain name or a name corresponding to the domain name in connection with a bona fide offering of goods or services; or (ii) you (as an individual, business, or other organization) have been commonly known by the domain name, even if you have acquired no trademark or service mark rights; or (iii) you are making a legitimate noncommercial or fair use of the domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue."

Turning to use, Respondent has, by using the Domain Name, intentionally attempted to attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with Complainant's marks as to the source, sponsorship, affiliation, or endorsement of the website and the products offered on it. This constitutes bad faith under paragraph 4(b)(iv) of the Policy. Respondent's website constitutes impersonation of Complainant: it reproduces Complainant's marks and logo, copies Complainant's copyright-protected artwork and promotional materials, incorporates characters and locations from the Game, and holds itself out as a source of "Official Merchandise", all in order to create a false impression of affiliation, endorsement, or authorization by Complainant. Such infringing use of Complainant's marks cannot be reconciled with good faith, and panels have recognized that a finding that a respondent is infringing a complainant's trademarks is dispositive of the issue of bad faith. See *On AG, On Clouds GmbH v. Nguyen Luu, Withheld for Privacy Purposes, Privacy service provided by Withheld for Privacy ehf, Vuong Hoang, AN NGUYEN, NEO CORP., and Ngoc Tam Nguyen*, WIPO Case No. [D2021-1714](#) ("the Panel's finding not only that the Respondents are infringing the Complainants' trademarks ... also runs afoul of principles articulated in sections 2.4 and 2.5 (including subsections) of the WIPO Overview is dispositive of [the issue of bad faith]").

The Panel's finding of bad faith is reinforced by additional circumstances of record. Respondent registered the Domain Name behind a privacy service, and the website provides no contact information or verifiable details identifying the entity responsible for it. This absence of any genuine identifying information, in connection with a trademark-abusive website, supports the finding of bad faith. [WIPO Overview 3.1](#), section 3.6. Finally, and significantly, Respondent failed to respond to the Complaint and has offered no explanation that might support a good-faith registration or use of the Domain Name. The failure to respond further weighs in favor of a finding of bad faith. Taken together, and in the absence of any Response, the totality of the circumstances demonstrates that Respondent both registered and is using the Domain Name in bad faith.

The Panel finds that 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 Domain Name, <the-blood-of-dawnwalker.com>, be transferred to Complainant.

/John C McElwaine/

John C McElwaine

Sole Panelist

Date: October 13, 2026