

ADMINISTRATIVE PANEL DECISION

Take-Two Interactive Software, Inc. v. Hassan Hussain, My Store
Case No. D2026-3914

1. The Parties

The Complainant is Take-Two Interactive Software, Inc., United States of America, represented by Harbottle & Lewis LLP, United Kingdom.

The Respondent is Hassan Hussain, My Store, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <fivemautos.com> (the “Disputed Domain Name”) 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 September 1, 2026. On September 2, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On September 2, 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 (Contact Privacy Inc. Customer 0167643544) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 7, 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 amended Complaint on September 8, 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 the Respondent of the Complaint, and the proceedings commenced on September 9, 2026. In accordance with the Rules, paragraph 5, the due date for Response was September 29, 2026. The Respondent sent email communications to the Center on September 18 and 23, 2026. The Center sent possible settlement emails to the Parties. The Complainant confirmed that it did not wish to request suspension of the current

proceedings. On October 5, 2026, the Center notified the Parties of the commencement of the panel appointment process.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on October 6, 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 publisher, developer, and distributor of interactive entertainment software. The Complainant is the parent company of major labels such as Rockstar Games, 2K, and Zynga. The Complainant's products include video games including the Grand Theft Auto franchise of games ("GTA"), in particular Grand Theft Auto V and its multiplayer mode Grand Theft Auto Online ("GTAV"). "FiveM" is an alternative online multiplayer version of GTAV, also owned by the Complainant. It allows players to access custom online gameplay and modifications, including custom vehicles, outfits, and buildings. FiveM was created in 2015 by CitizenFX ("CFX") as a fan project. In 2023, the Complainant acquired CFX and all of its assets relating to FiveM.

The Complainant owns trademark registrations for the FIVEM mark in multiple jurisdictions. The relevant trademark registrations include, inter alia, the United Kingdom Trademark Registration No. UK00918284860 for FIVEM in Classes 9, 41, and 42 registered on December 29, 2020, and the European Union Trademark Registration No. 018284860 for FIVEM in Classes 9, 41, and 42 registered on December 29, 2020 (collectively, the "Complainant's Trademark").

The Disputed Domain Name was registered on June 25, 2023, a few years after the Complainant registered the Complainant's Trademark. At the time of the filing of the Complaint and according to the Complainant, the Disputed Domain Name resolved to an active website named "FiveM Autos", which offered for sale downloadable digital files and advertised custom modification and "tuning" services with respect to FiveM and for use in FiveM servers (the "Respondent's Website"). At the time of rendering of this Decision, the Disputed Domain Name resolved to an inactive website displaying an error message.

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:

(a) The Disputed Domain Name is confusingly similar to the Complainant's Trademark. The Disputed Domain Name incorporates the Complainant's Trademark in its entirety as the first and dominant element, followed by the descriptive term "autos", which refers to the downloadable vehicle files offered for sale and increases the likelihood that Internet users will believe the Disputed Domain Name is connected with the Complainant. The generic Top-Level Domain ("gTLD") ".com" should be disregarded.

(b) The Respondent has no rights or legitimate interests in the Disputed Domain Name. The Respondent holds no trademark rights in the FiveM mark, is not commonly known by the Disputed Domain Name, and has not been licensed by the Complainant to use the FiveM mark in domain names or otherwise. The Respondent uses the Disputed Domain Name for a commercial website operating under the signs "FiveM Autos" and "FiveM" to sell unauthorized downloadable digital products for FiveM servers, which cannot constitute a bona fide offering of goods or services or a legitimate noncommercial or fair use. By making

such products available for download and advertising modification services in respect of FiveM game files, the Respondent is reproducing, communicating to the public, and/or authorizing third parties to reproduce works in which the Complainant owns the copyright, without authorization. The Respondent is using the Complainant's Trademark and associated imagery from FiveM and GTAV on the Respondent's Website in a manner likely to mislead Internet users into believing that the Respondent is licensed or endorsed by, or otherwise affiliated with, the Complainant, when no such relationship exists. The Respondent is impersonating, or passing itself off as, the Complainant or a business authorized by it.

(c) The Disputed Domain Name was registered and is being used in bad faith. The Respondent must have been aware of the Complainant's rights in the Complainant's Trademark. The Respondent, which markets and sells digital products that specifically target FiveM, has intentionally attempted to attract, for commercial gain, Internet users to the Respondent's Website by creating a likelihood of confusion with the Complainant's Trademark. The Respondent has failed to present clear disclaimers on the Respondent's Website to dissociate the Respondent's products and services from those of the Complainant. The Respondent also failed to reply to the Complainant's cease-and-desist letter sent via email on May 8, 2026.

B. Respondent

The Respondent did not file a formal Response to the Complainant's contentions. The Respondent sent email communications to the Center on September 18 and 23, 2026 respectively, stating that he had cancelled his Shopify store, taken the website offline, and cancelled the Disputed Domain Name through its service provider, and asked whether any further action was required of him. The Respondent did not substantively address any contentions raised by the Complainant.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (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 by the Respondent 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 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 Complainant's Trademark is reproduced within the Disputed Domain Name. Furthermore, the gTLD, in this case ".com", may be disregarded for the purposes of assessing confusing similarity under the first element.

Although the addition of other terms (here, "autos") 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 Complainant's Trademark 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.

The Panel notes that there is no evidence on the available record to show that the Respondent has trademark rights corresponding to the Disputed Domain Name, or that the Respondent has become commonly known by the Disputed Domain Name. The Panel further notes that the Complainant has provided no license or authorization of any kind to the Respondent to use the Complainant’s Trademark or to apply for or use any domain name incorporating the Complainant’s Trademark. The Respondent would likely not have adopted the Complainant’s Trademark if not for the purpose of creating an impression that the Disputed Domain Name is associated with, or originates from the Complainant.

The Panel has also considered whether the Respondent’s use could be regarded as a bona fide offering of goods or services on the basis that it offered products for use with the Complainant’s FiveM platform. Panels have recognized that a reseller, distributor, or service provider may in certain circumstances make a bona fide offering under a domain name containing a complainant’s trademark, provided that the cumulative requirements set out in *Oki Data Americas, Inc. v. ASD, Inc.*, WIPO Case No. [D2001-0903](#), are met. [WIPO Overview 3.1](#), section 2.8. The Respondent does not meet these requirements. The Respondent was offering unauthorized downloadable digital files and modification services with respect to the Complainant’s FiveM product without the Complainant’s consent. The Respondent’s Website made prominent use of the Complainant’s Trademark, including in the name “FiveM Autos” and the “FIVEMAUTOS” coupon code, and contained no disclaimer of any (lack of) relationship with the Complainant. Moreover, the composition of the Disputed Domain Name, which incorporates the Complainant’s Trademark with the term “autos” which is relevant to the Complainant’s FiveM product, carries a risk of implied affiliation with the Complainant. [WIPO Overview 3.1](#), section 2.5.1.

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

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 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 it is difficult to conceive of any plausible use of the Disputed Domain Name by the unaffiliated Respondent that would amount to good faith use, given the composition of the Disputed Domain Name and its use on the Respondent's Website consisting of repeatedly displaying the Complainant's Trademark and offering products and services that are directly related to those of the Complainant, without disclaimer of any (lack of) relationship with the Complainant. The Respondent must have been fully aware of the Complainant and the Complainant's Trademark when registering and using the Disputed Domain Name. The Respondent capitalized on the goodwill associated with the Complainant's Trademark to mislead and divert Internet users to the Respondent's Website for commercial gain by creating a likelihood of confusion with the Complainant's Trademark. [WIPO Overview 3.1](#), section 3.1.4. Further, the Respondent failed to substantively respond to the Complainant's contentions and has provided no evidence of any actual or contemplated good faith use of the Disputed Domain Name.

Moreover, the Respondent's subsequent deactivation of the website, as acknowledged in his communications following notification of the Complaint, does not alter the finding of bad faith evidenced by the use of the Disputed Domain Name at the time of submitting the Complaint. Panels have found that the non-use of a domain name would not by itself prevent a finding of bad faith under the doctrine of passive holding. To the contrary, in looking at the totality of circumstances in each case, panels have found that the registration and non-use of a domain name can still constitute bad faith for purposes of the Policy. [WIPO Overview 3.1](#), section 3.3. Having reviewed the available record, the Panel notes the distinctiveness or reputation of the Complainant's Trademark and the composition of the Disputed Domain Name, and 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.

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 <fivemautos.com> be transferred to the Complainant.

/Gabriela Kennedy/

Gabriela Kennedy

Sole Panelist

Date: October 21, 2026