ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Take-Two Interactive Software, Inc. v. Mahdi Pourzaferani, FIVEM STORE LLC
Case No. D2026-4533

1. The Parties

Complainant is Take-Two Interactive Software, Inc., United States of America ("United States"), represented by Frankfurt Kurnit Klein & Selz PC, United States.

Respondent is Mahdi Pourzaferani, FIVEM STORE LLC, United States.

2. The Domain Name and Registrar

The Disputed Domain Name <fivem-store.com> (hereinafter "Disputed Domain Name") is registered with CloudFlare, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on October 6, 2026. On October 7, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On October 7, 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 by the Registrar) and contact information in the Complaint. The Center sent an email communication to Complainant on October 8, 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 October 9, 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 October 12, 2026. In accordance with the Rules, paragraph 5, the due date for Response was November 1, 2026. The Response was filed with the Center on October 12, 2026. Respondent sent email communications to the Center on October 8 and October 9, 2026. Accordingly, the Center notified the Parties of the Commencement of Panel Appointment Process on October 13, 2026.

The Center appointed Lawrence K. Nodine as the sole panelist in this matter on October 16, 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, in connection with its subsidiary Rockstar Games, Inc., is the publisher, developer, and distributor of Grand Theft Auto franchise ("GTA") video games, which Complainant alleges "are among the most popular video games in the world."

At least as early as 2017 Complainant's predecessor in interest Cfx.re (f/k/a Citizen FX Collective) began using FIVEM (hereafter the "Mark") as a trademark in connection with computer code and related services that allow users to modify aspects of GTA games and to operate customized servers that feature custom game modes, maps, vehicles, and scripts that do not exist in the standard GTA Online.

At least as early as 2018, Complainant's predecessor used the FIVEM Mark when promoting its GTA modification tools through its @_FiveM X (formerly known as Twitter) account.

Complainant's subsidiary Rockstar Games acquired Cfx.re in 2023. Complainant grants to players a limited license to modify aspects of GTA and to operate customized servers using FIVEM branded code and servers.

Complainant owns the <fivem.net> domain name, which was registered by Complainant's predecessor in interest in 2014. On the associated webpage, Complainant uses the Mark in connection with account services that allow players access to licensed customized GTA Online servers.

Complainant alleges, and Respondent does not deny, that, "[t]o date, millions of people have used Complainant's FiveM-branded services to find and access licensed customized GTA Online servers, and to share licensed custom assets for such servers."

Complainant owns European Trade Mark Registration 018284860 for the Mark, registered December 29, 2020, based on an application filed August 6, 2020.

Complainant also owns United States Registration 6,784,093 for the Mark registered July 12, 2022, that claimed (under Lanham Act section 66A) priority back to August 6, 2020, the date of European Union Trade Mark Registration 018284860.

As noted above, Complainant's predecessor began using the Mark at least as early as 2017. Complainant offers a sample of Internet Archive screenshots of websites associated with the domain name. These screenshots show that the Mark has been continuously displayed on the since at least as early as 2017.

Complainant also offers evidence that, since at least 2018, the Mark was promoted and followed on social media, such as X (formerly known as Twitter).

The Disputed Domain was registered on February 13, 2020. On the website associated with the Disputed Domain Name Respondent displays the Mark in connection with offers to sell goods and services identical to those offered by Complainant. The homepage uses FIVEM at least 34 times, including in the website header, which states "Marketplace for FiveM & RedM resources (GTA V / RDR2)" and "Welcome to FiveM Store — quality scripts, mods, and resources for FiveM & RedM servers." Internet visitors can purchase a variety of "FiveM Mods and Resources" for use in connection with Complainant's GTA products including scripts, map loader objects, and maps.

5. Parties' Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that it sent cease and desist letters to Respondent in December and May 2025.

B. Respondent

Respondent contends that Complainant has not satisfied all three of the elements required under the Policy for a transfer of the disputed domain name.

Respondent asserts that it did not receive the letters that Complainant alleges it sent.

Although the February 2020 creation date for the Disputed Domain Name precedes August 6, 2020, the earliest effective date of Complainant's trademark registrations, Respondent stated that "I knew what the FiveM platform was …" when he registered the Disputed Domain Name.

Respondent contends that it began a bona fide use of the Disputed Domain Name before notice of the dispute, explaining that "I operate an independent digital-resource business for server operators. Members of my team create resources for this business." Respondent points to evidence submitted by Complainant, that shows that Respondent operated "a functioning FiveM storefront on March 15, 2021," which offered to sell a variety of products. Respondent argues that this evidence shows "actual presentation of a resource store years before this dispute and the alleged 2025 letters." Respondent also offers a "Certificate of Existence" dated January 16, 2023, for FiveM Store LLC issued by the Kentucky Secretary of State.

Respondent states that it does not claim authorization from Complainant. Instead, Respondent argues, its "use of 'FiveM' in descriptions identifies the platform for which relevant resources are intended" and that its uses of the Mark are "compatibility references to FiveM …" and other brands.

Respondent argues that its website does not expressly claim official status and, on the contrary, includes a disclaimer stating that "FiveM Store LLC is an independent entity and is not affiliated with, endorsed by, or sponsored by FiveM, Cfx.re, Rockstar Games, or Take-Two Interactive." Respondent acknowledges that the disclaimer appears in a footer.

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 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.

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. This finding is based on Complainant's trademark registrations, which are effective as of August 6, 2020. This is sufficient for Policy paragraph 4(a)(i), which depends on the existence of trademark rights at the time the complaint is filed, but, in anticipation of the bad faith analysis under Policy paragraph 4(a)(iii), the Panel also finds Complainant has established unregistered trademark or service mark rights for the purposes of the Policy. WIPO Overview 3.1, section 1.3. Complainant has offered unrebutted evidence that it began using the Mark at least as early as 2017 and that the Mark had acquired substantial consumer recognition, and thereby secondary meaning, before Respondent registered

the Disputed Domain Name in 2021. Moreover, Respondent has acknowledged that it was aware of Complainant's platform branded with the Mark when it registered the Disputed Domain Name in 2021.

The Panel finds that the Mark is reproduced and recognizable within the disputed domain name. Although the addition of other terms may bear on assessment of the second and third elements, the Panel finds the addition of "store" 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.

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 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 Complainants' has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. 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 Disputed Domain Name such as those enumerated in the Policy or otherwise.

Although the Disputed Domain Name was created and Respondent began offering products before notice of this dispute, Respondent's use of the Mark was not a bona fide use. Respondent rightly concedes that "'FIVEM' plus 'store' in a commercial domain can imply an official shop …" Respondent's use of the Mark impersonates an "official" website sponsored by Complainant. Where, applying by the preponderance of evidence standard, the evidence of infringing impersonation is sufficient and uncontroverted, the use is not bona fide under the Policy even if, as is the case here, the impersonation includes trademark infringement based on the sale of digital products. See WIPO Overview 3.1, section 2.13.1; *Microsoft Corporation v. isidro Morell Melendez, dragon*, WIPO Case No. D2026-0900, citing *Nara Aziza Smith v. Vanessa Clarke*, WIPO Case No. D2025-1839 ("an infringing use cannot be bona fide") and *ORIENT EXPRESS v. Nguyen Trong Hanh*, WIPO Case No. D2025-2528.

Respondent says that its use merely "identifies the platform for which the relevant resources are intended" and it only uses the Mark to make "compatibility references," but the record shows otherwise. On the contrary, Respondent uses "FiveM" as a trademark for its products, viz: "FiveM Mods and Resources … FiveM Vehicles and Cars…" There is no indication on Respondent's website that the offered products are merely "compatible" and not "official" products sponsored by Complainant. Regardless, proceedings under the Policy focus on the Disputed Domain Name. Even if Respondent had made fair use of the Mark to communicate only "compatibility" (it did not), the Disputed Domain Name itself falsely communicates sponsorship by and affiliation with Complainant.

Although the inclusion of a disclaimer is a factor that may, when combined with other evidence, help dispel confusion, disclaimers do not by themselves undo confusion caused by a domain name that implies affiliation, and thereby lures in Internet users. Moreover, disclaimers are ineffective if, as here, they appear in a footer buried at the bottom of the last of many pages that use the Mark to imply an affiliation with Complainant.

Before this disclaimer, these webpages make numerous offers to sell a variety of products including, for example “FiveM Mods and Resources … FiveM Vehicles and Cars…” None of these offers include any indication that the products are not “official” or merely “compatible.”

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.

The Panel finds that Respondent registered the Disputed Domain Name in bad faith. The Mark had acquired secondary meaning and was well known in the relevant consumer community. Respondent has conceded the obvious—that he was aware of the Mark when he registered the Disputed Domain Name. Respondent was plainly targeting the Mark when it set up a business to create digital products for people wanting to modify their GTA gaming experience. Respondent acted in bad faith because it adopted a domain name that falsely communicated that it was affiliated with Complainant.

The Panel also finds that Respondent has used the Disputed Domain Name to intentionally attempt to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant’s Mark. Policy paragraph 4(b)(iv).

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 Disputed Domain Name <fivem-store.com> be transferred to Complainant.

/Lawrence K. Nodine/
Lawrence K. Nodine
Sole Panelist
Date: October 30, 2026