

ADMINISTRATIVE PANEL DECISION

Jagex Limited v. Darius Gozloo

Case No. DIO2025-0004

1. The Parties

The Complainant is Jagex Limited, United Kingdom, represented Stobbs IP Limited, United Kingdom.

The Respondent is Darius Gozloo, United States of America ("United States").

2. The Domain Name and Registrar

The disputed domain name <runex.io> is registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on February 26, 2025. On February 27, 2025, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On February 27, 2025, 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, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on March 3, 2025, 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 March 8, 2025.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of the .IO Domain Name Dispute Resolution Policy (the "Policy"), the Rules for .IO Domain Name Dispute Resolution Policy (the "Rules"), and the WIPO Supplemental Rules for .IO 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 March 12, 2025. In accordance with the Rules, paragraph 5, the due date for Response was April 1, 2025. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 2, 2025.

The Center appointed Alissia Shchichka as the sole panelist in this matter on April 10, 2025. 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 company incorporated on April 28, 2000, engaged in the design, development, publishing, and operation of online video games and electronic entertainment. The Complainant is known for its Massively Multiplayer Online Role-Playing Games (“MMORPG”) RuneScape and Old School RuneScape. Since October 2022, both games have averaged more than 3 million active users per month. Old School RuneScape has been recognized by the Guinness World Records as the largest free-to-play MMORPG, with over 300 million accounts.

The Complainant also maintains a presence on social media and has received recognition for its games. Old School RuneScape was awarded the 2019 EE Mobile Game of the Year by the British Academy Games Awards.

The Complainant has evidenced to be the registered owner of numerous RUNE trademarks worldwide including, but not limited, to the following:

- United Kingdom Trademark Registration No. UK00911161239 for the word mark RUNE, registered on October 9, 2013, in classes 16, 25, 36, and 41;
- European Union Trademark Registration No. 011161239 for the word mark RUNE, registered on October 9, 2013, in classes 16, 25, 36, and 41;

The Complainant is the registered owner of the domain name <runescape.com>, which has resolved to a website related to online gaming since at least August 17, 2000. In addition, the Complainant owns several other domain names incorporating the RUNE trademarks, such as <runefest.com>, <runescape.net>, and <runeservice.com>.

The aforementioned trademarks and domain names were registered before the disputed domain name, which was registered on November 20, 2016. Although the disputed domain name is currently inactive, the Complainant has submitted evidence indicating that it previously resolved to a website displaying the Complainant’s trademarks and offering for download an online game Runex, while using design elements that were also used in relation to the Complainant’s Old School RuneScape game. According to the Complainant, the game offered on the website at the disputed domain name had the same in-game assets and mechanics, as the Complainant’s Old School RuneScape game.

According to the disclosed WhoIs information, the Respondent is located in the United States.

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 asserts that the disputed domain name is confusingly similar to its trademark, as it fully incorporates the Complainant’s mark as the dominant element, with only the addition of the letter “x” at the end. This minor addition does not prevent a finding of confusing similarity. Furthermore, the country-code Top-Level Domain (“ccTLD”) (“.io”) should be disregarded for the purposes of the first element, as it is a standard registration requirement and does not affect the assessment of confusing similarity.

The Complainant further asserts that the Respondent lacks rights or legitimate interests in the disputed domain name for several reasons. First, the Respondent is not commonly known by the disputed domain name and has not acquired any trademark rights associated with it. Second, the Respondent is not affiliated with, licensed by, or otherwise authorized to use the RUNE trademarks in connection with the disputed domain name. Third, the Respondent has neither used nor demonstrated any preparations to use the disputed domain name in connection with a bona fide offering of goods or services. On the contrary, the Respondent has used the disputed domain name to operate a website that offered a pirated version of the Complainant's game, thereby engaging in unfair competition and attempting to profit from the Complainant's trademark.

Finally, the Complainant asserts that the Respondent registered and uses the disputed domain name in bad faith for the following reasons. First, the Respondent had prior knowledge of the Complainant's trademark at the time of registering and using the disputed domain name, given that the Complainant's RUNE marks significantly pre-date the disputed domain name and enjoy widespread recognition. The Respondent deliberately incorporated the RUNE trademark into the disputed domain name and used it to promote a pirated version of the Complainant's game, replicating the Complainant's well-known in-game assets and promotional content. Second, by offering the pirated version of the Complainant's official game, the Respondent clearly intended to mislead users, divert web traffic from the Complainant's official sites, and disrupt its business by directing users to a competing and unauthorized platform. This suggests that the Respondent registered the disputed domain to attract Internet users for commercial gain by creating a likelihood of confusion with the Complainant and its trademark and constitutes further evidence of bad faith under the Policy.

The Complainant requests that the disputed domain name be transferred to the Complainant.

B. Respondent

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

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant carries the burden of proving:

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

The Respondent's default in the case at hand does not automatically result in a decision in favor of the Complainant, however, paragraph 5(f) of the Rules provides that if the Respondent does not submit a response, in the absence of exceptional circumstances, the Panel shall decide the dispute based upon the Complaint.

Further, according to paragraph 14(b) of the Rules, the Panel may draw such inferences from the Respondent's failure to submit a response as it considers appropriate.

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, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7. ¹

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), 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 3.0](#), 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 the proceedings is on the complainant, panels have recognized that proving 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 3.0](#), 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 Complainant has confirmed that the Respondent is neither affiliated with, nor authorized or licensed by, the Complainant to use the RUNE trademarks or to register any domain name incorporating those marks. The Respondent is also not known to be associated with the RUNE trademarks.

The confusingly similar disputed domain name resolved to a webpage that offered a competing online game. The website used promotional imagery closely associated with the Complainant, and expressly referenced the RUNE trademark with a stylized "x" in the end. According to the Complainant, the game offered on the website at the disputed domain name replicated the Complainant's in-game assets. Furthermore, the Panel notes that the website previously associated with the disputed domain name in its bottom contained the following disclaimer: "[...] Trade marks are property of their respected owners. Runex.io is not affiliated with jagex or runescape in any way. " The Panel is of the view that the presence of the disclaimer does not render the Respondent's activities bona fide under the Policy. When users have a chance to read the disclaimer they have already been attracted to the Respondent's website, under the impression that the disputed domain name is associated with the Complainant's RUNE trademark. Moreover, in the circumstances of this case, the presence of the disclaimer affirms that composition and use of the disputed domain name by the Respondent can mislead Internet users into believing that the website is operated or endorsed by the Complainant.

In addition, the Panel finds that the Respondent is obviously not making a legitimate noncommercial or fair use of the disputed domain name without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. [WIPO Overview 3.0](#), section 2.4. Indeed, the website linked to the disputed domain name has been designed to capitalize on the Complainant's goodwill and reputation and promoted an online game competing with the Complainant's offering in exchange for financial contributions. Users were invited to "donate" within the game through a message displayed on the Respondent's platform.

¹Noting the substantive similarities between the Policy and the Uniform Domain Name Dispute Resolution Policy ("UDRP"), the Panel has referred to [WIPO Overview 3.0](#), where appropriate.

Accordingly, the Complainant has provided evidence supporting its prima facie claim that Respondent lacks any 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.

Therefore, the Panel concludes that the Respondent does not have any rights or legitimate interests in the disputed domain name and the Complainant has met its burden under paragraph 4(a)(ii) of the Policy. The Panel finds the second element of the Policy has been established.

C. Registered or 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 or use of a domain name in bad faith.

In the present case, the Panel observes that the Complainant's RUNE trademarks predate the Respondent's registration of the disputed domain name. Moreover, the Respondent's adoption of a disputed domain name incorporating the Complainant's trademark - combined with the use of the Complainant's trademarks, promotional materials, and in-game assets and the disclaimer related to the Complainant on the previously associated website - clearly demonstrates that the Respondent was aware of the Complainant's business and trademark rights at the time of registering the disputed domain name. [WIPO Overview 3.0](#), section 3.2.2.

Additionally, the disputed domain name previously resolved to a website that offered an online game competing with the Complainant's offering, using the Complainant's promotional imagery and misleading the public into believing that it was affiliated with or originating from the Complainant.

In the Panel's view, the Respondent has intentionally attempted to attract Internet users to its website, for commercial gain, by creating a likelihood of confusion with the Complainant's trademarks regarding the source, sponsorship, affiliation, or endorsement of its website or the products offered on it. Pursuant to paragraph 4(b)(iv) of the Policy, this constitutes evidence of the registration and use of a domain name in bad faith. [WIPO Overview 3.0](#), section 3.1.4.

Based on the available record, 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, <runex.io> be transferred to the Complainant.

/Alissia Shchichka/

Alissia Shchichka

Sole Panelist

Date: April 21, 2025