ARBITRATION
AND
MEDIATION CENTER

WIPO
WORLD
INTELLECTUAL PROPERTY
ORGANIZATION

ADMINISTRATIVE PANEL DECISION
Fancade AB and Poki B.V. v. Fred Sandersus, Fred
Case No. DIO2026-0021

1. The Parties

The Complainants are Fancade AB, Sweden, and Poki B.V, Netherlands (Kingdom of the), internally represented.

The Respondent is Fred Sandersus, Fred, Viet Nam.

2. The Domain Names and Registrar

The disputed domain names <drivemad3.io> and <drivinggames.io> are registered with NameCheap, Inc. (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on May 5, 2026. On May 6, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name <drivemad3.io>. On May 6, 2026, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain name <drivemad3.io> 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 the Complainants on May 6, 2026, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainants to submit an amendment to the Complaint. The Complainants filed an amended Complaint on May 7, 2026.

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 May 8, 2026. In accordance with the Rules, paragraph 5, the due date for Response was May 28, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on May 29, 2026.

On May 21, 2026, the Complainants requested the addition of the disputed domain name <drivinggames.io> to the proceedings. On May 28, 2026, the Complainants submitted additional arguments for the addition of the disputed domain name <drivinggames.io> to the proceedings.

The Center appointed Assen Alexiev as the sole panelist in this matter on June 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.

On June 10, 2026, the Panel instructed the Center to transmit by email to the Registrar a request for registrar verification in connection with the disputed domain name <drivinggames.io>. On the same day, the Registrar transmitted by email to the Center its verification response, disclosing registrant and contact information for the disputed domain name <drivinggames.io>, which was the same as the registrant and contact information for the disputed domain name <drivemad3.io>.

On June 11, 2026, the Panel issued his Procedural Order No.1, whereby he granted an opportunity to the Complainants to add the disputed domain name <drivinggames.io> and the registrant information for it to the Complaint, as well as to provide any further arguments in view of this addition, until June 16, 2026.
The Panel also granted an opportunity to the Respondent to respond to the Complainants' submission until June 21, 2026. The Complainants submitted an amended Complaint which included the disputed domain name <drivinggames.io> on June 15, 2026. The Respondent did not submit any response to this amended Complaint within the time limit allowed by the Panel to do so.

4. Factual Background

The Complaint was filed by the Complainant Poki B.V. on behalf of itself and the Complainant Fancade AB, of which it is the majority stakeholder. Unless it is necessary to distinguish the two, the Panel will refer to the Complainants as the "Complainant" hereunder. The Complainant is the creator of the "Drive Mad" online game, officially published on the website at "poki.com/en/g/drive-mad".

The Complainant Fancade AB is the owner of the following trademark registrations for DRIVE MAD (the "DRIVE MAD trademark"):

- the European Union Trade Mark DRIVE MAD with registration No. 019008643, registered on August 28, 2024, for goods in International Class 9; and

- the International Trademark DRIVE MAD with registration No. 1819540, registered on September 30, 2024, for goods in International Class 9. This trademark registration designates the United States of America and includes the disclaimer that no claim is made to the words "drive" and "mad" separately.

The disputed domain name <drivemad3.io> was registered on February 27, 2025, and the disputed domain name <drivinggames.io> was registered on May 11, 2026.

At the time of filing of the Complaint, the disputed domain name <drivemad3.io> resolved to a website that offered visitors to play the Drive Mad game. The Panel further notes from the Wayback Machine records[1] that the website at the disputed domain name <drivemad3.io> around the time of its registration[2] displayed the following welcome notice:

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[1] Noting in particular the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the Rules, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision. WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.8.

[2] "https://web.archive.org/web/20250326060907/https://drivemad3.io/"

“Welcome to Drive Mad, where you’ll experience and enter the world of amazing off-road adventures! Everything you expect from a challenging and thrilling driving game is here. Play and be prepared for a difficult car driving journey through tricky terrains in 100 levels!”

The website also offered visitors to play many other online games and displayed the following disclaimer at the bottom of the page: “Drive Mad is an independent website. It is not affiliated with ‘Drive Mad’ by Fancade in any way.”

The disputed domain name <drivemad3.io> currently redirects visitors to the website at the disputed domain name <drivinggames.io>, which has the same design and content as the website that was previously associated to the disputed domain name <drivemad3.io>.

5. Parties’ Contentions

A. Complainant

The Complainant submits that its Drive Mad game is very popular with the online gaming public and that there are many illegitimate copies of the game that are made available on the Internet by third parties.

The Complainant submits that the disputed domain name <drivemad3.io> is confusingly similar to its DRIVE MAD trademark, because it fully incorporates this trademark, and the addition of the number “3” does not prevent a finding of confusing similarity.

The Complainant does not explain why the disputed domain name <drivinggames.io> should be regarded as being identical or confusingly similar to a trademark in which the Complainant has rights.

The Complainant maintains that the Respondent does not have rights or legitimate interests in the disputed domain names. The Complainant submits that its copyright-protected game Drive Mad has become well-known and predates the date of registration of the disputed domain names, and that the Respondent has no relevant trademark rights and is not commonly known by the disputed domain names. The Complainant states that the Respondent is not using the disputed domain names in connection with a bona fide offering of goods or services and is not making any legitimate noncommercial or fair use of them. Rather, the Respondent deceives the public by creating an impression of having a commercial affiliation with the Complainant, in an attempt to divert players from the legitimate platforms where the Drive Mad game can be played to its own website, which offers an illegitimate copy of the game and other exclusively-licensed games for commercial gain. According to the Complainant, the Respondent thus unfairly competes with it for advertising revenue and search engine rankings.

The Complainant contends that the disputed domain names have been registered and are being used in bad faith. According to the Complainant, the Respondent intentionally attempts to attract, for commercial gain, players to the disputed domain names by creating a likelihood of confusion with its DRIVE MAD trademark. The Complainant states that visitors to the Respondent’s websites might not understand that they are actually playing an illegitimate version of the Drive Mad game.

The Complainant submits that the disputed domain name <drivemad3.io> is no longer associated to a website, but instead redirects to the website at the other disputed domain name <drivinggames.io>, which was registered just days after the Respondent had been notified of the Complaint. The Complainant notes that the website at the disputed domain name <drivinggames.io> has the same layout, style, and contents as the website that was previously available at the disputed domain name <drivemad3.io>.

B. Respondent

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

6. Discussion and Findings

Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

(i) that the disputed domain names registered by the Respondent are identical or confusingly similar to a trademark or service mark in which the Complainant has rights;

(ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain names; and

(iii) that the disputed domain names have been registered or are being used in bad faith.

The Panel notes that the Policy is similar to the Uniform Domain Name Dispute Resolution Policy (the "UDRP") with the notable exception that the third element requires a complainant to establish either registration or use in bad faith in order to succeed. The Panel will therefore refer to the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1") where appropriate.

6.1. Procedural issue – addition of domain name

The initial Complaint submitted by the Complainant included only the disputed domain name <drivemad3.io>. The Complainant subsequently requested the addition of the disputed domain name <drivinggames.io>. In support of this request, the Complainant pointed out that the registrant of the two disputed domain names is the same and that the disputed domain name <drivinggames.io> was registered just several days after the Respondent had been notified of the Complaint.

Paragraph 3(c) of the Rules provides that the complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder, and paragraph 10(e) of the Rules provides that a Panel shall decide a request by a Party to consolidate multiple domain name disputes in accordance with the Policy and the Rules. Paragraph 4(f) of the Policy provides that the Panel may consolidate before it multiple disputes between the same Parties in its sole discretion, provided that the disputes being consolidated are governed by the Policy.

The Registrar has confirmed that the registrant of the disputed domain name <drivinggames.io> is the same as the registrant of the disputed domain name <drivemad3.io>, and the Policy is applicable to both disputed domain names.

Considering the above, the present proceeding of concerns the disputed domain names <drivemad3.io> and <drivinggames.io>.

6.2. Substantive issues

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 names. WIPO Overview 3.1, section 1.7.

The Complainant has shown rights in respect of the DRIVE MAD trademark for the purposes of the Policy. WIPO Overview 3.1, section 1.2.1.

The Panel finds that the DRIVE MAD trademark is recognisable within the disputed domain name <drivemad3.io>. Accordingly, this disputed domain name is confusingly similar to the DRIVE MAD trademark for the purposes of the Policy. WIPO Overview 3.1, section 1.7.

Although the addition of other elements in the disputed domain name <drivemad3.io> (i.e., the number "3") may bear on assessment of the second and third elements, the Panel finds the addition of such element does not prevent a finding of confusing similarity between this disputed domain name and the Complainant's DRIVE MAD 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 in respect of the disputed domain name <drivemad3.io>.

The situation with the other disputed domain name <drivinggames.io> is in the Panel's view somewhat more complicated. This disputed domain name and the DRIVE MAD trademark share only their first four letters "driv", which in the Panel's opinion cannot be regarded as a sufficient nexus, noting that their other elements have different meanings and appear and sound different. It is notable in this regard that the Complainant's registration of the DRIVE MAD trademark designating the United States disclaims any claims to the words "drive" and "mad" separately. The Panel's conclusion is that the DRIVE MAD trademark is not recognisable in this disputed domain name.

It is particularly notable that the Complainant, although provided with an opportunity to do so, did not advance any arguments relevant to the analysis under the first element in respect of this disputed domain name, so it did not explain why it should be regarded as identical or confusingly similar to the DRIVE MAD trademark or to any other trademark in which the Complainant may have rights. The registrant of the two disputed domain names may be the same and they may have been used for the same clear bad faith purpose, but in the Panel's opinion that alone is not sufficient in the present proceeding for a positive finding under the first element of the Policy in respect of the disputed domain name <drivinggames.io>.

Considering the above, the Panel finds that the Complainant has not established that the disputed domain name <drivinggames.io> is identical or confusingly similar to a trademark in which the Complainant has rights. Therefore, the Complaint must fail in respect of this disputed domain name, and the Panel is not required to address the second and the third elements under the Policy in respect of the disputed domain name <drivinggames.io>.

B. Rights or Legitimate Interests and Registered or Used in Bad Faith

As noted is section 2.15 of the WIPO Overview 3.1, in some cases panels assess the second and third UDRP elements together, for example where clear indicia of bad faith suggest there cannot be any respondent rights or legitimate interests. In such cases, panels have found that the facts and circumstances of the case would benefit from a joint discussion of the policy elements. The Panel considers this to be so here.

Although the overall burden of proof is on the complainant, panels have recognised 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. 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 disputed domain name <drivemad3.io> is confusingly similar to the Complainant's distinctive DRIVE MAD trademark, and has been used for a website that offered visitors to play an illegitimate copy of the Complainant's Drive Mad game and many other third-party online games. The website included a disclaimer, but this disclaimer was not prominent and did not disclose that the website and the online game Drive Mad offered on it were not authorised by the Complainant. The Respondent did not dispute any of the contentions of the Complainant or the evidence submitted by it, and did not explain why its activities through the disputed domain name <drivemad3.io> should be regarded as legitimate.

Considering the above, the Panel concludes that, by registering and using the disputed domain name <drivemad3.io>, the Respondent has intentionally attempted to attract, for commercial gain, Internet users to the disputed domain name <drivemad3.io> and the associated website, by creating a likelihood of confusion with the Complainant's DRIVE MAD trademark as to the affiliation with, or endorsement by the Complainant of the disputed domain name <drivemad3.io>, of the associated website and of the content offered on it. Such conduct cannot give rise to rights or legitimate interests of the Respondent in the disputed domain name <drivemad3.io>, and is evidence of bad faith under the Policy.

The Panel also notes the Complainant's claim that its Drive Mad game is copyright-protected, and that the website at the disputed domain name <drivemad3.io> was used to offer an unauthorised copy of this game. In this regard, panels have held that the use of a domain name for illegitimate or illegal activity (here, claimed unauthorised use of copyright-protected software) can never confer rights or legitimate interests on a respondent, and constitutes bad faith. WIPO Overview 3.1, sections 2.13.1 and 3.4.

Considering the above, the Panel finds that the Respondent does not have rights or legitimate interests in the disputed domain name <drivemad3.io>, and that this disputed domain name has been registered and used in bad faith.

The Panel therefore finds that the second and the third elements of the Policy have been established in respect of the disputed domain name <drivemad3.io>.

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 <drivemad3.io> be transferred to the Complainant. The Complaint is denied in respect of the disputed domain name <drivinggames.io>.

/Assen Alexiev/
Assen Alexiev
Sole Panelist
Date: June 26, 2026