

ADMINISTRATIVE PANEL DECISION

Ducky Ltd. v. Phu Cuong Ha
Case No. DIO2026-0043

1. The Parties

The Complainant is Ducky Ltd., Cyprus, internally represented.

The Respondent is Phu Cuong Ha, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <melonplayground.io> is registered with Name.com, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 27, 2026. On August 27, 2026, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 28, 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 and contact information in the Complaint (Redacted for Privacy, Domain Protection Services, Inc.). The Center sent an email communication to the Complainant on August 31, 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 amendment to the Complaint on August 31, 2026.

The Center verified that the Complaint together with the amendment to the 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 September 14, 2026. In accordance with the Rules, paragraph 5, the due date for Response was October 4, 2026. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 5, 2026.

The Center appointed Alistair Payne as the sole panelist in this matter on October 8, 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 reputed mobile game publisher. One of its most successful games is a mobile “sandbox” game called “Melon Sandbox” which was formerly known as “Melon Playground”. The defining characteristic of the game is that it enables users to create their own content and to earn money for their creative efforts.

Since its release in August 2021 this game has been downloaded more than 138,000,000 times and is distributed across iOS and Android platforms. The Complainant owns various trade mark registrations for MELON PLAYGROUND including, in particular, United Kingdom trade mark registration UK00004041384 registered on July 5, 2024.

The disputed domain name was registered on September 19, 2024 and resolves to a website which is branded as “Melon Playground” and features a web version of the Complainant’s “Melon Sandbox” (formerly “Melon Playground” game).

5. Parties’ Contentions

A. Complainant

The Complainant submits that it owns registered trade mark rights as set out above and that its mark is wholly incorporated into the disputed domain name with no additional element and therefore satisfies the first element of the Policy.

The Complainant says that it has not licensed, authorised, or otherwise permitted the Respondent to use its trade marks and that it has no business relationship with the Respondent. It further submits that neither the Respondent nor its product are commonly known by the name “Melon Playground” and there is no evidence that the Respondent owns any trade mark rights.

In addition, says the Complainant, the Respondent’s use of the disputed domain name cannot be considered bona fide in circumstances that it resolves to a website that features an unauthorised web version of the Complainant’s “Melon Playground” game and features the MELON PLAYGROUND mark. It says that the Respondent is capitalising on the goodwill attached to the “Melon Playground” name and mark and game in order to attract users for the purpose of generating advertising revenue. Further it says that the Respondent’s conduct does not qualify as legitimate noncommercial or fair use because it is clearly commercial in nature and misleads Internet users into believing that the website at the disputed domain name is an official website authorised by the Complainant.

As far as bad faith is concerned, the Complainant notes that its game was released under the MELON PLAYGROUND name in August 2021 and that its trade mark registration as noted above was registered prior to the registration of the disputed domain name. It says that as its MELON PLAYGROUND trade mark is wholly incorporated into the disputed domain name and as the website to which it resolves features its MELON PLAYGROUND mark and logo and an unauthorised web version of the Complainant’s “Melon Playground” game, that it is inconceivable that the Respondent was unaware of the Complainant’s business and mark when it registered the disputed domain name.

The Complainant submits that the Respondent's conduct in using the disputed domain name to confuse and redirect Internet users to its website featuring the MELON PLAYGROUND mark and an unauthorised web version of the Complainant's game amounts to conduct in terms of paragraph 4(b)(iv) of the Policy. It submits that the Respondent profits and derives commercial benefit by driving traffic to the website on which the disputed domain name resolves at which advertisements are displayed.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

The Complainant has demonstrated that it owns registered trade mark rights for its MELON PLAYGROUND trade mark as set out above. This mark is entirely incorporated into the disputed domain name without the addition of any other element before the ".io" country code Top Level Domain. The Panel therefore finds that the disputed domain name is identical to the Complainant's registered trade mark and that the Complaint succeeds under the first element of the Policy.

B. Rights or Legitimate Interests

The Complainant has submitted that it has not licensed, authorised, or otherwise permitted the Respondent to use its trade marks and that it has no business relationship with the Respondent. It has further submitted that neither the Respondent nor its product are commonly known by the name "Melon Playground" and that there is no evidence that the Respondent owns any trade mark rights in that mark.

The Complainant has also asserted that the Respondent's use of the disputed domain name cannot be considered bona fide in circumstances that it resolves to a website that features an unauthorised web version of the Complainant's "Melon Playground" game and features the MELON PLAYGROUND mark. It has submitted that the Respondent is capitalising on the goodwill attached to the "Melon Playground" name and mark to attract users for the purpose of generating advertising revenue. It has also submitted that the Respondent's conduct does not qualify as legitimate noncommercial or fair use because it is clearly commercial in nature and misleads Internet users into believing that the website at the disputed domain name is an official website that is authorised by the Complainant.

Having reviewed the available record, the Panel finds that 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 that 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 and use of a domain name in bad faith.

In the present case, the Panel notes that the Respondent registered the disputed domain name in September 2024, after the registration of the Complainant's United Kingdom trade mark and in addition that the Complainant's game was released at an earlier date under the MELON PLAYGROUND name in August 2021. Considering that the MELON PLAYGROUND trade mark is distinctive and wholly incorporated into the disputed domain name and that the website to which it has resolved features an unauthorised web version of the Complainant's very well reputed "Melon Playground" game and that upon release in 2021 and

for some years it also featured the “Melon Playground” name and mark, it is implausible to think that the Respondent, even though based in Viet Nam, was not well aware of the Complainant’s trade mark and business at the date of registration of the disputed domain name.

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant’s trade marks as to the source, sponsorship, affiliation or endorsement of the website.

At the date of filing of this Complaint, the disputed domain name resolved to a website featuring the MELON PLAYGROUND mark and an unauthorised web version of the Complainant’s game. It appears that the Respondent is using the disputed domain name containing the MELON PLAYGROUND mark to intentionally attract Internet users to its website by confusing them into assuming that they would be diverted to the Complainant’s website. This conduct is obviously for the Respondent’s commercial benefit whether as a result of Internet users playing the unauthorised version of the Complainant’s game and generating income for the Respondent as a result, or by virtue of advertising revenue earned from advertisements for other games at that site. This conduct fulfills the requirements of paragraph 4(b)(iv) of the Policy and is therefore evidence of registration and use of the disputed domain name in bad faith.

Overall, it is apparent that the Respondent has targeted the Complainant’s MELON PLAYGROUND trade mark, business and game for its own commercial purposes and this amounts to registration and use of the disputed domain name in bad faith. Accordingly, the Panel finds that the Complaint also succeeds under 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 <melonplayground.io> be transferred to the Complainant.

/Alistair Payne/

Alistair Payne

Sole Panelist

Date: October 21, 2026