

ADMINISTRATIVE PANEL DECISION

Microsoft Corporation v. Domain Protection Services, Inc / Delvin Elvin
Case No. D2022-1890

1. The Parties

The Complainant is Microsoft Corporation, United States of America (“United States”), represented by Dinsmore & Shohl LLP, United States.

The Respondent is Domain Protection Services, Inc, United States / Delvin Elvin, Viet Nam.

2. The Domain Name and Registrar

The disputed domain name <theimpossible-quizbest.com> (the “Domain Name”) 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 May 25, 2022. On May 26, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 29, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on June 9, 2022, 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 June 28, 2022.

The Center verified that the Complaint together with the amendment to the 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 June 29, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 19, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 26, 2022.

The Center appointed Ian Lowe as the sole panelist in this matter on August 2, 2022. 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 global technology company that develops, manufactures, licenses, supports and sells computer hardware and software solutions, among other computer and software related products and services. Its product offerings include numerous computer and video games, including game software distributed under the trademark IMPOSSIBLE QUIZ. The quiz has a high degree of difficulty, often requiring unconventional thought-processes to solve the answers.

The IMPOSSIBLE QUIZ was first offered online in non-downloadable format in February 2007, and later offered as a downloadable game from September 2007.

The Complainant is the proprietor of United States trademark number 4089162 IMPOSSIBLE QUIZ registered on January 17, 2012, for goods in Class 9.

The Domain Name was registered on January 6, 2020. It does not presently resolve to an active website, but at the time of preparation of the Complaint it resolved to a website reproducing the Complainant's trademark and providing the Complainant's IMPOSSIBLE QUIZ computer game and other third-party games.

5. Parties' Contentions

A. Complainant

The Complainant contends that the Domain Name is confusingly similar to its IMPOSSIBLE QUIZ mark (the "Mark"), that the Respondent has no rights or legitimate interests in respect of the Domain Name and that the Respondent registered and is using the Domain Name in bad faith within the meaning of paragraph 4(b)(iv) of the Policy.

B. Respondent

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

6. Discussion and Findings

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

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

A. Identical or Confusingly Similar

The Complainant has uncontested rights in the Mark, both by virtue of its trademark registration and as a result of the goodwill and reputation acquired through its use of the Mark over several years. Ignoring the generic Top-Level Domain ("gTLD") ".com", the Domain Name comprises the entirety of the Mark separated by a hyphen "-" together with the words "the" and "best". In the view of the Panel, the addition of these terms

and the hyphen does not prevent a finding of confusing similarity between the Domain Name and the Mark.

Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

The Complainant has made out a *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Respondent has used the Domain Name not in connection with a *bona fide* offering of goods or services, but for a website offering the Complainant's IMPOSSIBLE QUIZ computer game and other third-party games. The Complainant has not given its consent to the use of the Mark by the Respondent or to the Respondent's offering the Complainant's game in which it claims copyright. There is no suggestion that the Respondent has ever been known by the Domain Name (section 2.3 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"). The Respondent has chosen not to respond to the Complaint or to take any steps to counter the *prima facie* case established by the Complainant.

In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

C. Registered and Used in Bad Faith

In light of the use being made of the Domain Name by the Respondent, offering the Complainant's IMPOSSIBLE QUIZ computer game (and other games), the Panel is in no doubt that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name. The Respondent has used the Domain Name for a website providing the Complainant's computer game and other games and the legitimate inference is that it has done so for commercial gain. In the Panel's view, the Respondent registered the Domain Name with a view to deceiving Internet users into believing that the Domain Name was operated by or with the authority of the Complainant. The Panel considers that the use of a domain name for such activity amounts to paradigm bad faith registration and use for the purposes of the Policy.

Accordingly, the Panel finds that the Domain Name has been registered and is being used in bad faith.

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 Domain Name <theimpossible-quizbest.com> be transferred to the Complainant.

/Ian Lowe/

Ian Lowe

Sole Panelist

Date: August 16, 2022