

ADMINISTRATIVE PANEL DECISION

Yggdrasil Malta Limited v. Nikolay Corobov
Case No. D2023-2797

1. The Parties

The Complainant is Yggdrasil Malta Limited, Malta, represented by Aera A/S, Denmark.

The Respondent is Nikolay Corobov, Russian Federation.

2. The Domain Name and Registrar

The disputed domain name <yggdrasil-gamings.online> is registered with Registrar of Domain Names REG.RU LLC (the “Registrar”).

3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on June 30, 2023. On June 30, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 3, 2023, 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 (Protection of Private Person) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 5, 2023, providing the registrant and contact information disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint.

The Registrar also indicated that the language of the registration agreement is Russian. On July 5, 2023, the Center sent an email communication to the Parties in both Russian and English inviting the Complainant to submit satisfactory evidence of an agreement between the Complainant and the Respondent to the effect that the proceedings should be in English; or submit the Complaint translated into Russian; or submit a request for English to be the language of the administrative proceedings.

The Complainant filed an amended Complaint on July 6, 2023 in which it requested that the proceeding be conducted in English. On July 9, 2023, the Respondent filed a request for Russian to be the language of the proceedings.

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 the Respondent in both English and Russian of the Complaint, and the proceedings commenced on July 19, 2023. In accordance with the Rules, paragraph 5, the due date for Response was August 8, 2023. The Respondent did not submit any formal response. On August 22, 2023, the Center notified the Parties that it would proceed to panel appointment.

The Center appointed Clark W. Lackert as the sole panelist in this matter on August 30, 2023. 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 and Legal Grounds

The Complainant claims that it is also known as Yggdrasil Gaming, and is a provider of online gaming solutions for Internet gaming (i-gaming) operators. The business was founded in 2013, and, according to the Complainant, has since then emerged as one of the industry's most respected and acclaimed suppliers, with offices in Poland, Sweden, Gibraltar and Malta. The Complainant operates a highly scalable business model and covers three product verticals: Casino Slots, Table Games and Bingo, in addition to the business verticals: Yggdrasil White Label Studios, YGS Masters and Yggdrasil Dragons. The Complainant further claims that, since its inception, it has embarked on a solid growth trajectory enabled by a strong corporate culture focused on innovation, creativity, quality and technology leadership. The Complainant has also won several most prestigious awards in the gambling industry. Some examples of the awards from leading authorities in the iGaming industry given to the Complainant are:

- 2015 – Software Rising Star of the Year award by the EGR B2B Awards
- 2016 – Gaming Software Supplier of the Year award by the International Gaming Awards.
- 2016 – Slot Provider of the Year award by the EGR B2B Awards.
- 2017 – Slot Provider of the Year award by the EGR B2B Awards.
- 2018 – Innovator of the Year award by the International Gaming Awards.
- 2018 – Innovator in the RNG Casino Software award by the EGR B2B Awards.
- 2019 – Innovator of the Year award by the International Gaming Awards.
- 2019 – Innovator in RNG Casino Software Supplier award by the EGR B2B Awards.

The Complainant has acquired gambling licenses in many jurisdictions, e.g. United Kingdom (“UK) Gambling Commission, Malta Gaming Authority (MGA), and the gaming authority in Gibraltar, UK. The Complainant has now over 150 games on the market, including “Double Dragons”, “Empire Fortunes” and “Vikings Go Berzerk.”

The Complainant owns the following registrations on its YGGDRASIL trademark:

Trademark	Registration Number
YGGDRASIL GAMING	European Union (“EU”) - 015059959 registered on July 20, 2016
YGGDRASIL CASINO	EU - 018080302 registered on September 24, 2019
YGGDRASIL MEGAPOT	EU – 018325683 registered on March 10, 2021
YGGDRASIL	International registration 1538272 of May 4, 2020

The Complainant claims that it is the owner of several domain name registrations, containing the YGGDRASIL mark, including <yggdrasilgaming.com> and <yggdrasil.com>. The fame of the trademark YGGDRASIL has been confirmed in previous UDRP cases, including *Yggdrasil Malta Limited v. Privacy Service Provided by Withheld for Privacy ehf/Sophon Srey, Sary Sophot*, WIPO Case No. [D2022-1812](#), and *Yggdrasil Malta Limited v. Nikolay Corobov*, WIPO Case No. [D2023-1041](#).

The disputed domain name was registered on April 30, 2023. It resolves to a website presenting the

Complainant and its gaming products, providing access to the games developed by the Complainant and seemingly links to various online casinos. The website contains a copyright notice with the copyright claimed by “Yggdrasil” and “Yggdrasil Gaming.”

5. Parties' Contentions

A. Complainant

The reputation associated with the Complainant's mark within the gaming industry is excellent by virtue of the high quality of the Complainant's products and services.

The disputed domain name is confusingly similar to a trademark in which the Complainant has rights. The disputed domain name is confusingly similar to the Complainant's trademark and trade name YGGDRASIL as the disputed domain name incorporates the entirety of the Complainant's trademark in combination with the term “gamings” and the generic Top-Level Domain (“gTLD”) “online”. Moreover, the [WIPO Overview 3.0](#), section 1.7 states “in cases where a domain name incorporates the entirety of trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purpose of UDRP standing,” please see *e.g.*, *Wal-Mart Stores, Inc v. Richard McLeod d/b/a For Sale*, WIPO Case No. [D2000-0662](#). The gTLD is usually disregarded under the confusing similarity test as it is a technical requirement of registration.

The Respondent has no rights or legitimate interests in respect of the disputed domain name (Policy, paragraph 4(a)(ii); Rules, paragraph 3(b)(ix)(2)). The Respondent has no rights to or legitimate interests in the disputed domain name based on the Complainant's continuous and long prior use of its trademarks and trade name. The Respondent is not affiliated or related to the Complainant in any way, or licensed or otherwise authorized to use the YGGDRASIL mark in connection with a website providing casino business, email communication or for any other purpose. The Respondent is not using the disputed domain name in connection with any *bona fide* offering of goods or services, is not generally known by the disputed domain name and has not acquired any trademark or service mark rights in that name or mark. The disputed domain name resolves to an active website that links to online casinos and provides registration of contact information and credit cards. The Respondent is intentionally diverting consumers for commercial gain by providing the Complainant's online casino games without permission. The unauthorized use of the Complainant's trademarks and copyright protected material shows that the Respondent is well aware of the Complainant and that the activity is damaging and diluting the reputation of the Complainant's business. The website also contains the copyright notice “© 2021 Yggdrasil All rights reserved”, and the website has similar layout as the previously disputed website “www.double-dragons-yggdrasil.online” in the *Yggdrasil Malta Limited v. Nikolay Corobov*, WIPO Case No. [D2023-1041](#).

The disputed domain name was registered and is being used in bad faith. The Respondent has intentionally registered and is using the disputed domain name in bad faith. It is apparent from the composition of the disputed domain name that the Respondent must have known of the Complainant's trademark and trade name YGGDRASIL and its gaming business. That being so, the Respondent could not have chosen or subsequently used the words <yggdrasil-gamings.online> for any reason than to trade-off the goodwill and reputation of the Complainant's trademark or otherwise create a false association, sponsorship or endorsement with the Complainant. The registration of domain names confusingly similar to a registered trademark by a person with no connection to that trademark amounts to “opportunistic bad faith”. That is, in itself evidence of bad faith, both generally and specifically within the meaning of paragraph 4(b)(iii) and (iv). Further, in light of the fact that the Respondent is directing visitors to commercial gaming sites, the Respondent has registered the domain name primarily for the purpose of disrupting the business of a competitor within online casino gambling within the meaning of paragraph 4(b)(iii) of the Policy. As discussed in the *Yggdrasil Malta Limited v. Nikolay Corobov*, WIPO Case No. [D2023-1041](#), “Since the Respondent's website claims to offer access to the Complainant's Double Dragons game, but instead redirects visitors to a competitor of the Complainant, this conduct also supports a finding that the Respondent has registered and used the disputed domain name for the purpose of disrupting the business of a competitor”.

B. Respondent

The Respondent did not substantively reply to the Complainant's contentions. The Respondent submitted a short email indicating "Russian please".

6. Discussion and Findings

The Panel has reviewed the Complaint, all supporting evidence, and the proceeding history as set forth in the record. The Panel notes that no formal response has been filed in this proceeding and that the record supports a decision in the Complainant's favor.

6.1. Procedural Issue – Language of the Proceedings

According to the information provided by the Registrar, the language of the registration agreement for the disputed domain name is Russian. Under paragraph 11 of the Rules, unless otherwise agreed by the Parties, or specified otherwise in the registration agreement, the language of the administrative proceeding shall be the language of the registration agreement, subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

The Complainant submitted its Complaint in English, and requests the proceeding to be held in English, the Center has sent all its email communications to the Respondent in both English and Russian, and has invited the Respondent to express its views on the language of the proceeding. The Respondent responded in English that he preferred Russian, but then he defaulted. The disputed domain name resolves to a website presenting and offering access to the Complainant's products, including "Vikings Go Berzerk" which is in English and Russian, with links to online gaming sites in English. The Panel finds that the Respondent would not be disadvantaged if the language of the proceeding is English, and that using the English language in this proceeding would be appropriate.

6.2 Substantive Issues

A. Identical or Confusingly Similar

The disputed domain name consists of the trademark YGGDRASIL used and registered by the Complainant for gaming services among other services, together with the descriptive term "gamings" preceded by a hyphen, and the gTLD "online". It is well established that the addition of other terms such as "gamings" to a disputed domain name does not prevent a finding of confusing similarity, where the trademark remains recognizable in the disputed domain name. In this respect, the [WIPO Overview 3.0](#), section 1.7 states "in cases where a domain name incorporates the entirety of trademark, or where at least a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purpose of UDRP standing." Also, see, e.g., *ASOS PLC et al. v. Liu Bing*, WIPO Case No. [D2022-0604](#) (finding that "the term 'shop' is merely a descriptive term and thus does not prevent a finding of confusing similarity" with Complainant's MISS SELFRIDGE trademark); *Skorpio Ltd. v. Li Huaqing*, WIPO Case No. [D2022-0538](#) (the addition of the terms "the" and "shop" does not prevent the disputed domain name from being confusingly similar to the Complainant's trademark).

The Panel finds that the requirements of paragraph 4(a)(i) of the Policy have been satisfied.

B. Rights or Legitimate Interests

The record does not contain any evidence to indicate that the Respondent has any rights or legitimate interests in the disputed domain name. Moreover, the construction of the disputed domain name itself, consisting of the Complainant's trademark along with the term "gamings" associated with the Complainant's business carries a risk of implied affiliation, see [WIPO Overview 3.0](#), section 2.5.1. The Panel finds that the use made by the Respondent of the disputed domain name to resolve to a website featuring the Complainant's trademark, offering access to the Complainant's product and containing links to competing

third-party gaming websites does not support a finding of rights or legitimate interests.

The Panel finds that the requirements of paragraph 4(a)(ii) of the Policy have been satisfied.

C. Registered and Used in Bad Faith

The Complainant has engaged in conduct which indicates bad faith in several different ways, namely, copying a well-known trademark to misdirect web traffic to competitors of the Complainant, fraudulently creating a website which copies the Complainant's to confuse the public, and showing a pattern of abuse in bad faith conduct as recently held in the case WIPO Case No. [D2023-1041](#), *Yggdrasil Malta Limited v. Nikolay Corobov*.

The registration by an unaffiliated entity of a domain name that copies a widely known mark can indicate an intent to target that mark to promote misdirection of Internet traffic, and can by itself create a presumption of bad faith. See, e.g., *The Dow Chemical Company v. dowchemical eva_hwang@21cn.com +86.7508126859*, WIPO Case No. [D2008-1078](#) (finding <dowaychemical.com> registered in bad faith in view of the "widely known trademarks" of the complainant); see also *IDR Solutions Ltd. v. Whois Privacy Corp.*, WIPO Case No. [D2016-2156](#) (evidence of third party recognition of complainant's JPEDAL mark supported conclusion that <jpedal.org> was registered in bad faith). As [WIPO Overview 3.0](#), section 3.1.4 states: "Panels have consistently found that the mere registration of a domain name that is identical or confusingly similar (particularly domain names comprising typos or incorporating the mark plus a descriptive term) to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith."

Moreover, as [WIPO Overview 3.0](#), section 3.2.1 states: "Application of UDRP paragraph 4(b)(iv): in some cases, e.g., where it is unclear why a domain name was initially registered and the domain name is subsequently used to attract Internet users by creating a likelihood of confusion with a complainant's mark, panels have found that UDRP paragraph 4(b)(iv), read in light of paragraph 4(a)(ii), can support an inference of bad faith registration for the respondent to rebut. Such inference would be supported by a clear absence of the respondent's own rights or legitimate interests, the nature of the domain name itself (i.e., the manner in which the domain name incorporates the complainant's mark), the content of any website to which the domain name points – including any changes and the timing thereof, the registrant's prior conduct generally and in UDRP cases in particular, the reputation of the complainant's mark, the use of (false) contact details or a privacy shield to hide the registrant's identity, the failure to submit a response, the plausibility of any response, or other indicia that generally cast doubt on the registrant's bona fides." All of these elements are applicable here.

The Panelist finds that the requirements of paragraph 4(a)(iii) of the Policy have been satisfied.

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, <yggdrasil-gamings.online>, be transferred to the Complainant.

/Clark W. Lackert/

Clark W. Lackert

Sole Panelist

Date: September 8, 2023