



Asian Domain Name Dispute Resolution Centre

scoul

(Seoul Office)

## ADMINISTRATIVE PANEL DECISION

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**Case No.** KR-2100229

**Complainant:** Krafton, Inc.

**Respondent:** Kevin Andrew

**Disputed Domain Name(s):** pubguniverse.com

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### 1. The Parties and Contested Domain Name

The Complainant is Krafton, Inc., whose registered office is at KRAFTON Tower, 117 Bundangnaegok-ro, Bundang-gu, Seongnam-si, Gyeonggi-do, 13529, Republic of Korea.

The Respondent is Kevin Andrew, whose registered address is at P.O. Box 123, Elmwood, Massachusetts, 02337, USA.

The domain name at issue is “pubguniverse.com,” registered by GoDaddy.com, LLC.

### 2. Procedural History

The Complaint was filed with the Seoul Office of the Asian Domain Name Dispute Resolution Center (ADNDRC, the “Center”) on April 26, 2021, seeking for a transfer of the domain name in dispute.

On May 3, 2021, the Center sent an email to the Registrar asking for the detailed data of the registrant. On May 4, 2021, GoDaddy.com, LLC. transmitted by email to the Center its verification response, advising that the Respondent is listed as the registrant and providing the contact details.

The Center verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the "UDRP"), the Rules for Uniform Domain Name Dispute Resolution Policy (the "Rules"), and the Centre's Supplemental Rules for Uniform Domain Name Dispute Resolution Policy.

In accordance with the Rules, the Center formally notified the Respondent of the Complaint. The proceedings commenced on May 4, 2021 and the due date for the Response was May 24, 2021. No Response was filed by the due date.

On May 31, 2021, the Center appointed Mr. Sung-Joon Choi as the Sole Panelist in the administrative proceeding and with the consent for the appointment, impartiality and independence declared and confirmed by the Panelist, the Center, in accordance with paragraph 7 of the Rules, organized the Panel of this case in a legitimate way.

On June 16, 2021, the Panelist notified the Complainant to submit an explanation and evidence. The Complainant submitted supplementary explanations and evidence on June 16, 2021. On June 22, 2021, the Complainant received an email from the Respondent and submitted an additional statement. The Complainant submitted an additional statement about the Respondent and the information on Domains By Default which is the Respondent's company on June 22, 2021. The Respondent submitted a Response to the Complainant's supplementary explanations and evidence on July 8, 2021.

### **3. Factual background**

The following facts are recognized based on the evidence submitted by the Complainant:

The Complainant merged with PUBG corporation in December 2020 and PUBG corporation developed the “PlayerUnknown'sBattleGrounds” online game, which is an online multiplayer battle royale game (a player vs. player shooting game that maximum 100 game players fight in the battle royale game setting), released the beta program version thereof on March 21, 2017, and fully released it on December 21, 2017. The foregoing game “PlayerUnknown'sBattleGrounds” is generally abbreviated to “PUBG” (hereinafter the “PlayerUnknown'sBattleGrounds” game is referred to as “the PUBG game”) and the detailed current status of the PUBG game’s release and usage is as follows:

The PUBG game was first released for Microsoft Windows via Steam's early access beta program in March 2017, with a full release in December 2017. The PUBG game was also released by Microsoft Studios for the Xbox One via its Xbox Game Preview program that same month, and officially released in September 2018. PUBG Mobile, a free-to-play mobile game version for Android and iOS, was released in 2018, in addition to a port for the PlayStation 4. A version for the Stadia streaming platform was released in April 2020. The PUBG game is one of the best-selling, highest-grossing and most-played video games of all time. The game has sold over 70 million copies on personal computers and game consoles as of 2020, in addition to PUBG Mobile accumulating 1 billion downloads as of March 2021 and grossing over USD 4.3 billion on mobile devices as of December 2020.

As shown above, the PUBG game is a well-known battle royale game. The PUBG game has received a range of media and game industry awards including such 35th Golden Joystick Awards, The Game Awards 2017.

The Complainant has registered and currently owns the domain name “pubg.com,” which is linked to the official website of the PUBG game. Also, the Complainant has applied for the registrations of about 170 “PUBG” trademarks and trademarks including the term “PUBG” in 40 countries, from June 15, 2017, to June 4, 2020, had

these trademarks registered from October 13, 2017, to February 25, 2021, and currently owns them.

Whereas, based on Appendix 1 and Appendix 9 attached to the Complaint, it can be recognized that the Respondent has registered the domain name “pubguniverse.com” (the “Disputed Domain Name”) on July 17, 2017, but has been using the Disputed Domain Name merely as a parking page of the registrar, GoDaddy, without opening any website connected to the Disputed Domain Name.

#### **4. Parties’ Contentions**

##### **A. Complainant**

The Complainant’s contentions may be summarized as follows:

In the Disputed Domain Name, the term “universe” meaning a worldview of novels, movies, and games, among others, is added to the trademark “PUBG” in which the Complainant has rights. The term “universe” generally refers to a worldview incorporating a story in Intellectual Properties (IPs), such as games, movies, and cartoons, etc., and the term “universe” in the PUBG game is also used for the provision of the background story of the game. Therefore, even though the term “universe” is added in the Disputed Domain Name, the Disputed Domain Name is confusingly similar to the trademark in which the Complainant has rights.

The term “PUBG” is an abbreviation of “PlayerUnknown'sBattleGrounds game,” which had not been used by anyone before the Complainant started using it, and general users refer to the game serviced by the Complainant as “PUBG.” Also, the Respondent is not in any relationship with the Complainant. Therefore, the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name.

The Respondent registered the Disputed Domain Name on July 17, 2017, which was after the Complainant released the PUBG game through the Steam's early access beta program on March 21, 2017, and had not responded to the Complainant's offer to purchase the Disputed Domain Name at USD 400 at all. Later, the Respondent sent an email offering to sell the Disputed Domain Name at USD 15,000, which significantly exceeds the registration and management fees of the Disputed Domain Name, to the Complainant, on June 22, 2021, after this Mandatory Administrative Proceeding has begun. Considering the foregoing facts, the Respondent has registered and is using the Disputed Domain Name in bad faith.

In light of the foregoing, the disputed domain name must be transferred to the Complainant.

**B. Respondent**

The Respondent's contentions may be summarized as follows:

The Complainant attempts to assume that the term "universe" is "often used as a term to refer to the worldview of IPs with stories such as games, movies, and cartoons." However, no evidence supporting such fact has been provided. Also, the Complainant released the PUBG game in 2017 but did not begin to build up a worldview until mid-2019, and failed to submit any written evidence of the Complainant's use of the term "universe" before the filing of the Complaint. If the Complainant had intended to use the term "universe" in connection with a worldview of the PUBG game when the game was released, the reason why the Complainant had not attempted to solve the issues relating to the Disputed Domain Name for the 4 years preceding the filing of the Complaint cannot be explained.

The Respondent registered the Disputed Domain Name on behalf of the Publishing Group and the Respondent became aware of the fact that "PUBG"

is an abbreviation of “PlayerUnknown'sBattleGrounds game” after the Publishing Group had approached the Respondent to secure the Disputed Domain Name. But the Respondent concluded that there would be no issue with the registration of the Disputed Domain Name, after searching trademarks and looking into potential conflicts in the United States and internationally.

For over 20 years, the Respondent has been buying and selling domain names, constantly researching market trends, and providing good value for our global clients. Considering that the Complainant’s company value is USD 25 billion, USD 15,000 of the purchase price of the Disputed Domain Name offered by the Respondent is appropriate. In the interest of prompt settlement of the dispute, the Respondent has the intention to sell the total 29 domain names including “PUBG,” including the Disputed Domain Name, at USD 100,000.

## **5. Findings**

Paragraph 4(a) of the UDRP provides that each of three findings must be made in order for the Complainants to prevail:

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

### **A) Identical / Confusingly Similar**

The Disputed Domain Name is a combination of the coined term “PUBG” and the term “universe.” As admitted above, the coined term “PUBG” is an abbreviation of the online game “PlayerUnknown'sBattleGrounds,” which was

developed by the Complainant and became well-known in the world after its release on March 21, 2017, and the Complainant owns about 170 registered “PUBG” trademarks and trademarks including the term “PUBG” in approximately 40 countries. Also, the term “universe” means a worldview of novels, movies, and games, etc., and when it is used in connection with a game, it generally and widely refers to the worldview incorporating the story of the game (the term is also used to refer to the worldview of the game for world-famous games, including but not limited to, Marvel, LOL, and Warcraft, other than the PUBG game). Therefore, the distinctiveness of the term “universe” in the game context is minimal and thus the important part with distinctiveness in the Disputed Domain Name is the “PUBG” part.

Therefore, the Disputed Domain Name is confusingly similar to the trademarks in which the Complainant has rights and the abbreviation of the world-famous game serviced by the Complainant.

## **B) Rights and Legitimate Interests**

The Respondent alleged that he registered the Disputed Domain Name on behalf of the Publishing Group, and it can be conjectured that the meaning of the Respondent’s allegation is that the “PUBG” part of the Disputed Domain Name was coined by combining “Pub,” the first part of the word “Publishing,” and “G,” the first letter of the last word “Group.” However, such allegation of the Respondent is not supported considering that the Respondent registered Disputed Domain Name almost 3 months after the PUBG game was released and became substantially and widely known to the public (the Respondent has admitted that he knew that “PUBG” is an abbreviation of “PlayerUnknown'sBattleGrounds game” when he registered the Disputed Domain Name), and the Respondent’s explanation for coning the term “PUBG” is not reasonable, among others.

Furthermore, it cannot be concluded that the Respondent has rights or legitimate interest to the Disputed Domain Name, solely based on the fact that the Respondent is using the Disputed Domain Name as a parking page of the registrar, GoDaddy. Other than such fact, there is no evidence that may support the Respondent's rights or legitimate interest in the Disputed Domain Name.

### **C) Bad Faith**

Under paragraph 4(b)(i) of the UDRP, in the case that a domain name is registered primarily for the purpose of selling the domain name for valuable consideration in excess of the registrant's documented out-of-pocket costs directly related to the domain name, such registration shall be found to be evidence of the registration and use of the domain name in "bad faith" under paragraph 4(a) (iii) of the UDRP.

The Respondent expressed his intent to sell the Disputed Domain Name to the Complainant at USD 15,000, in his email dated June 22, 2021. Also, in paragraph 4 of the Respondent's Response dated July 8, 2021, based on the assumption that the Respondent holds 28 domain names including "PUBG," other than the Disputed Domain Name, the Respondent expressed his intent to sell all of the foregoing domain names including the Disputed Domain Name, to the Complainant, at USD 100,000. Based on the Respondent's foregoing expressions of his intent and evidence submitted by the Complainant, the Respondent is holding 28 domain names, which include the term "PUBG" and/or appear to be relating to the PUBG game (such as pubgspot.com, pubgarmy.com, pubgmania.com, pubgopen.com, pubgboy.com, pubgkiller.com, pubgnetwork.com, pubgworldchampion.com, pubgdestroy.com, pubgclassic.com, pubgkill.com, pubgworldchampionship.com, pubgassassin.com, etc.), other than the Disputed Domain Name, and attempting to sell these domain names at high prices, and the Respondent admitted himself that he has been selling and purchasing domain names for more than 20 years in paragraph 3 of his Response dated July 8, 2021. Considering such admission of



the Respondent and the fact that the registration and maintenance fees for the Disputed Domain Name do not exceed USD 100, the Respondent's registration and use of the Disputed Domain Name fall within the case under paragraph 4(b) (i) of the UDRP and thus "bad faith" under paragraph 4(a) (iii) of the UDRP is found.

Furthermore, the term "PUBG" was first used by the Complainant as an abbreviation of the game "PlayerUnknown'sBattleGrounds," when the Complainant released the game (before then, the term or abbreviation "PUBG" had not existed), and the spelling of the term is extremely unique, which support the Respondent's bad faith.

The date that the Complainant first registered the "PUBG" trademark was October 13, 2017, which was after the Disputed Domain Name had been registered (the filing of the application for such trademark registration had completed on June 15, 2017, which was before the Disputed Domain Name was registered), and the timing that the Complainant started building the worldview of the PUBG game; producing detailed stories and media; and providing them as the PUBG Universe, in order to enliven the game, is mid-2019, which was also after the registration of the Disputed Domain Name. However, notwithstanding the foregoing facts, the Respondent's bad faith is sufficiently supported considering that (i) the PUBG game was gaining explosive popularity when the Disputed Domain Name was registered, as the best-selling game that was sold 50 million units in 2017 (the PUBG game was sold more than twice than the second-ranked game), according to the list of best-selling video games of 2017 submitted by the Complainant, and thus it is recognized that the Respondent was aware of such fact about the PUBG game and registered the Disputed Domain Name; (ii) OOO Universe is generally used as a unique name to refer to the worldview related to OOO IP in the game/culture industry; (iii) it appears that it is practically not feasible to provide any service other than the worldview (universe) of the PUBG game with the Disputed Domain Name (as the

Respondent pre-occupied the Disputed Domain Name, the Complainant could not help but register and use the domain name “pubg-universe.com” instead; and (iv) the Complainant has registered and is currently holding about 170 “PUBG” trademarks and trademarks including the term “PUBG” in approximately 40 countries.

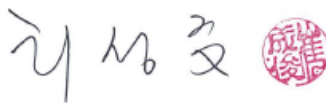
Therefore, the Panel finds that the disputed domain name was registered, and is being used, in bad faith.

#### **D) Conclusion**

Accordingly, the Panel concludes that the Complainant has met all three requirements under paragraph 4(a) of the UDRP in connection with the disputed domain name.

#### **6. Decision**

For the reasons set forth above, in accordance with paragraph 4(a) of the UDRP and paragraph 15 of the Rules, it is hereby ordered that the Respondent transfer the disputed domain name, “pubguniverse.com” to the Complainant as requested by the Complainant in the Complaint.



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Sung-Joon Choi

Sole Panelist

Dated: July 30, 2021