



Asian Domain Name Dispute Resolution Centre  
hong kong

**(Hong Kong Office)**

**ADMINISTRATIVE PANEL DECISION**

**Case No.** HK- 2201603  
**Complainant:** Tencent Holdings Limited  
**Respondent:** Muhammed Ahsen  
**Disputed Domain Name(s):** <gameloop.live>

**1. The Parties and Contested Domain Name**

The Complainant is Tencent Holdings Limited, of P.O. Box 2681 GT, Century Yard, Cricket Square, Hutchins Drive George Town Grand Cayman, Cayman Island (the “Complainant”).

The Respondent is Muhammed Ahsen, of 132 Kv Grid Station # 1 Sargodha Road Gujrat Punjab 50700, Pakistan (the “Respondent”).

The domain name at issue is <gameloop.live>, (the “Disputed Domain Name”) registered by Respondent with Porkbun LLC, (the “Registrar”) of 650 Greystone Park N.E. Atlanta GA 30324 United States.

**2. Procedural History**

The Complaint was filed with the Asian Domain Name Dispute Resolution Centre (Hong Kong Office (the “Centre”) on March 7, 2022. On 9 March 2022, the Centre transmitted by email to the Registrar a request for registrar verification in connection with the domain name in question. On March 10, 2022 the Registrar transmitted by email to the Centre its verification response confirming that the Respondent, Muhammed Ahsen is listed as the registrant of the Disputed Domain Name. The Centre by email of March 10, 2022 also transmitted to the Complainant a Notice of Deficiency. On March 11, 2022 the Centre verified that the Complaint satisfied the formal requirements of the Uniform Domain Name Dispute Resolution Policy (the “Policy”), the Rules for the Uniform Domain Name Dispute Resolution Policy (the “Rules”) and the ADNDRC Supplemental Rules for Uniform Domain Name Dispute Resolution Policy (the “Supplemental Rules”). The Centre notified the Respondent of the Complaint and advised that a response ought to be filed by the Respondent by the due date of April 01, 2022. The Respondent failed to file a response on the due date or at all and the Centre by email of April 02, 2022 informed all the parties of the Respondent’s default. On April 4, 2022 the Centre appointed Professor Ike Ehiribe as Sole Panelist in this administrative proceeding. The Panel finds that it was properly constituted.

### 3. Factual background

The Complainant is a Chinese multinational conglomerate holding company incorporated in the Cayman Islands and established in 1998. The Complainant is described as the world's largest video game company and owns the GAMELOOP brand. The Complainant has built up a huge amount of goodwill in the name GAMELOOP in conjunction with various gaming related services and products. The Complainant has several trademark registrations across different jurisdictions for the word GAMELOOP, which covers a wide range of goods and services including application software, electronic games services, and computer game designs. Some of the Complainant's trademark registrations are listed below as follows:

- (a) SG /IPOS registration 40202027796T for the word mark GAMELOOP;
- (b) IN/IPIN registration 4806851 for the word mark GAMELOOP;
- (c) PH/IPOHL registration 521284 for the word mark GAMELOOP;
- (d) MO/SEDIT registration 177146 for the word mark GAMELOOP;
- (e) TW/TIPO registration 02155840 for the word mark GAMELOOP and
- (f) TR/TURKPATENT registration 201983886 for the figurative mark GAMELOOP.

With the Complainant's GameLoop device it is said, users can download and access hundreds of mobile game applications on a PC for free and there are well over 50 million monthly active users around the world. The GameLoop device is said to be the official android emulator for PUBG Mobile, Call of Duty, Mobile and Arena valor. In addition, there are over 1000 popular games provided in GameLoop.

The Complainant it is said, has also created the domain names <gameloop.com> and <gameloop.fun> to promote its products and services under the GAMELOOP brand. The domain names have been registered since 2020 and 2019 respectively. The Complainant has made significant investment to advertise and promote the Complainant's trademark worldwide both in the media and the internet.

The Respondent is an individual based in Gujrat, Punjab in Pakistan and according to the WhoIs record attached to this complaint registered the Disputed Domain Name <gameloop.live> on April 20, 2020.

### 4. Parties' Contentions

#### A. Complainant

The Complainant's contentions may be summarized as follows:

- i. The Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights:

The Disputed Domain Name <gameloop.live> created by the Respondent is confusingly similar to the Complainant's GAMELOOP trademark in that :(a) When conducting a confusing similarity test, the standard practice is to disregard the generic top level domain (gTLD) such as ".com", ".club" and ".nyc" as those suffixes are normally considered to be part of the standard registration requirement. Accordingly, the addition of the suffix ".live" to the Disputed Domain Name will be disregarded when conducting a confusing similarity test. (b) The second level domain of the Disputed Domain Name consists solely of the Complainant's

GAMELOOP trademark. See in this regard, *Tencent Holdings Limited v. Livon Biswas / Shubhankar Ghosh*, HK-2001274; (c) The Disputed Domain Name resolves to a website that displays the Complainant's logo and images from the Complainant's official website while offering downloadable GameLoop emulator, it is therefore submitted that the Respondent's use of the Disputed Domain Name to resolve to a website that attempts to pass off as that of the Complainant or any of its affiliates is further evidence that the Disputed Domain Name is confusingly similar to the Complainant's trademark. See *WIPO Jurisprudential Overview 3.0* at paragraph 1.15 thereof.

- ii. The Respondent has no rights or legitimate interests in respect of the Disputed Domain Name in that:
  - (a) The Respondent is not sponsored by, or affiliated with, the Complainant in any way or has the Respondent been given permission, authorization or license to, use the Complainant's trademark in any manner including in domain names. It is therefore, submitted that no actual or contemplated *bona fide* or legitimate use of the Disputed Domain Name could reasonably be claimed; (b) It is contended that the Respondent whose name is "Muhammed Ahsen" is not commonly known by the Disputed Domain Name and therefore the Respondent cannot be regarded as having acquired rights to, or legitimate interests in, the Disputed Domain Name within the ambit of Paragraph 4(c) ii of the Policy; (c) Since the Respondent is undoubtedly using the Complainant's logo, GAMELOOP trademark and images on the website to which the Disputed Domain Name resolves to mislead the Complainant's customers to believe that the Disputed Domain Name is affiliated or associated with the Complainant, there is neither a *bona fide* offering of goods and services or a legitimate noncommercial or fair use of the Disputed Domain Name in line with Paragraph 4 (ii) of the Policy.
  
- iii. The Disputed Domain Name has been registered and is being used in bad faith in that:
  - (a) The Complainant submits that the Respondent must have been aware of the international reputation of the GAMELOOP trademark registered in numerous countries, the Complainant's well-known video game business and brand considering that the Respondent elects to register the Disputed Domain Name that is so identical to the Complainant's trademark and domain names on 20 April 2020. The Complainant therefore relies on the decision in *Parfums Christian Dior v. Javier Garcia Quintas*, WIPO Case No D2000-0226 to contend that where a domain name is so obviously connected with such a well - known name and product, its very use by someone unconnected with the product suggests opportunistic bad faith; (b) The Complainant further contends that taken together, the Respondent's actions in relation to the Disputed Domain Name and its website which creates a likelihood of confusion as to the source, sponsorship, affiliation or endorsement of the Disputed Domain Name and the use of the Complainant's trademark, logo and image to increase internet traffic to the website to which the Disputed Domain Name resolves for the Respondent's commercial gain are all actions that constitute bad faith use. See in support, *Tencent Holding Limited v Qiu Xiaoming*, HK -1901231; (c) It is argued further, that since the website to which the Disputed Domain Name resolves attempts to infect internet users' computers with viruses or malware, evidenced by permitting the download of an unauthorized GameLoop emulator which may or may not distribute malware, such conduct is

further evidence of bad faith use. See in support, *WIPO Jurisprudential Overview 3.0* at paragraph 3.4; (d) Furthermore, reliance is placed on the fact that the Respondent had at the time of filing the complaint employed the services of a privacy service to hide its identity as further evidence of bad faith registration and use. See the decision in *Dr. Ing H.C.F. Porsche AG v. Dominions by Proxy, Inc.* D2003-0230 and *WIPO Jurisprudential Overview 3.0* at paragraph 3.6; and (e) The Respondent is on record as having ignored the Complainant's attempt to resolve the dispute by failing to respond to any of the Complainant's cease-and-desist letters, accordingly, the Complainant relies on the decision in *Encyclopaedia Britannica v. Zuccarini*, WIPO Case No.D2000-0330 to submit that the Respondent's failure in this regard provides strong support for a finding of bad faith registration and use.

## B. Respondent

The Respondent failed to file a response to this complaint.

## 5. Findings

The ICANN Uniform Domain Name Dispute Resolution Policy provides, at Paragraph 4(a), that each of three findings must be made in order for a Complainant to prevail:

- i. Respondent's domain name is 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 Panel is satisfied that the Complainant has made significant investments to advertise and promote its GAMELOOP trademark world-wide in the media and the internet considering also the extensive efforts made to protect its intellectual property rights evidenced by the number of trademark registrations attached to this complaint. The Complainant's website at <www.gameloop.com> had an average of 1.9 million visits between November 2021 and January 2022. In addition, the Complainant has also registered domain names incorporating its GAMELOOP trademark to promote its services, products and brand namely <gameloop.com> and <gameloop.fun>. Undoubtedly, the Complainant's trademark has gained a worldwide reputation following continuous marketing and extensive use in the video game business. The Panel therefore finds that on a visual examination of the Disputed Domain Name <gameloop.live>, the Disputed Domain Name is confusingly similar to the Complainant's GAMELOOP trademark. The Disputed Domain Name clearly incorporates entirely the Complainant's trademark as the dominant and most distinctive part of the Disputed Domain Name. See *Tencent Holdings Limited v. Livon Biswas/Shubhankar Ghosh, supra*. As submitted by the Complainant the gTLD suffix ".live" would normally be disregarded when conducting a confusing similarity test. See also in support, *WIPO*

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

The Complainant normally, bears the burden to establish that the Respondent has no legitimate interest in the Disputed Domain Name, once the Complainant has made out a *prima facie* case, the burden shifts onto the Respondent to rebut such a *prima facie* case by demonstrating rights or legitimate interests. See the decision in *Do The Hustle, LLC v. Tropic Web*, WIPO Case No. D2000 - 0624 and followed in *Janchor Partners Limited v Regina Effiong*, HK-1701037. Therefore, the Panel equally finds that the Respondent has failed to adduce any credible evidence documentary or otherwise that demonstrates that the Respondent has any rights or legitimate interests in the Disputed Domain Name. The Respondent has not produced any evidence to suggest that the Respondent has ever been authorized, licensed or otherwise permitted to use the Complainant's GAMELOOP trademark by the Complainant. In addition, there is no evidence of a subsisting business relationship between the Respondent and the Complainant, neither is there any evidence that the Respondent is commonly known by the Disputed Domain Name. The Panel finds that to the contrary, the Respondent has been intentionally utilizing the Disputed Domain Name to mislead Internet visitors and the Complainant's customers into believing that the Disputed Domain Name is affiliated to the Complainant for commercial gain considering that the Disputed Domain Name resolves to a website that displays the Complainant's trademark, images and logo. The Respondent's actions in this regard cannot be described as a *bona fide* offering of goods and services nor a legitimate non-commercial or fair use of the Disputed Domain Name within the ambit of Paragraph 4(c)(i) and (iii) of the Policy. See generally, the principles enunciated in the oft quoted decision in *Oki Data Americas Inc. v. ASD Inc.*, WIPO Case No. D2001-0903; and in particular, *Blizzard Entertainment Inc., v. Aditya Shrestha* WIPO Case No. D2020-1285 and *Promgirl LLC v Jack Zhang*, HK-1500814.

## **C) Bad Faith**

On the issue of bad faith registration and use, in the first instance the Panel finds that it is implausible for the Respondent to contend that it was unaware of the Complainant's international reputation in the video game business and pre-existing intellectual property rights in the GAMELOOP trademark considering that the Respondent elected to register the Disputed Domain Name on 20 April 2020. The Complainant's trademark and domain names registered in 2019 had become well-known all over the world in addition to the Complainant establishing common law rights over the GAMELOOP trademark. Therefore, the Panel is satisfied that the Respondent's registration of the Disputed Domain Name was not by mere coincidence but was registered with the clear intention to exploit the Complainant's well-known brand and reputation. Such conduct has been held to constitute evidence of bad faith registration and use. See in this regard *Telstra Corp Ltd. v. Nuclear Marshmallows*, WIPO Case No. D2000-0003. Secondly, since the Disputed Domain Name resolves to a website displaying the Complainant's images, logo and trademark, the Panel finds that the Respondent's actions in this regard, combined with misleading Internet visitors and or the Complainant's clients into believing that the Disputed Domain Name is endorsed by the Complainant for financial gain, all constitute further evidence of bad faith registration and use. See in this regard, *Tencent Holding Limited v. Qui Xiaoming*, *supra* finding bad faith use where the Respondent had previously used the Disputed Domain Name for a website

making prominent use of the complainant's logo and colour scheme in that reference. Thirdly, the fact that the Respondent initially concealed his identity behind a privacy service is another factor in support of the Panel's finding of bad faith registration and use. See in this regard *Tencent Holdings Limited v. Dinesh Mudiraj*, HK-1700979, finding that the Respondent's use of a proxy service is also evidence of bad faith. Fourthly, the Respondent failed or neglected to respond to the Complainant's numerous cease and desist letters. Following the decisions in *Encyclopaedia Britannica v. Zuccarini*, *supra*, and *RRI Financial, Inc. v. Chen*, WIPO Case No. D2001-1242, the Panel finds that such conduct by the Respondent further supports a finding of bad faith registration and use.

## 6. Decision

For all these reasons and in accordance with Paragraph 4(1) of the Policy and 15 of the Rules, the Panel therefore, directs that the Disputed Domain Name <gameloop.live> be transferred to the Complainant forthwith.

A handwritten signature in black ink, appearing to read "Ehiribe", with a small horizontal line underneath the end of the signature.

Professor Ike Ehiribe, FCI Arb, C. Arb.

Dated: April 15, 2022.