Panel Decision for dispute CAC-ADREU-008944

Case number	**CAC-ADREU-008944**
Time of filing	**2026-06-15 18:08:30**
Domain names	**lunaors.eu**

Case administrator

Organization	**Iveta Špiclová (Czech Arbitration Court) (Case admin)**

Complainant

Organization	**Jagex Limited**

Complainant representative

Organization	**Stobbs IP**

Respondent

Name	**Arthur Wagterveld**

INSERT INFORMATION ABOUT OTHER LEGAL PROCEEDINGS THE PANEL IS AWARE OF WHICH ARE PENDING OR DECIDED AND WHICH RELATE TO THE DISPUTED DOMAIN NAME

The Panel is not aware of any other legal proceedings pending or decided between the same parties and relating to the disputed domain name.

FACTUAL BACKGROUND

It results from the Complainant's undisputed allegations that it was incorporated in 2000 and since then is active in the business of designing, developing, publishing, and operating online video games and other electronic-based entertainment. The Complainant is well-known internationally for its Massively Multiplayer Online Role-Playing Games ("MMORPG") **RuneScape** and **Old School RuneScape**. Together, these games average a total of more than 3 million active users per month since October 2022. Old School RuneScape has been recognised by the Guinness World Records for being the largest free-to-play MMORPG with over 300 million accounts

Complainant's games are commonly abbreviated from RUNESCAPE to **RS** and OLD SCHOOL RUNESCAPE is frequently referred to as **OSRS** and/or RS OLD SCHOOL.

The Complainant is the registered owner of many trademarks worldwide containing or consisting of RS (and also RUNESCAPE, RS OLD SCHOOL and OSRS), e.g.

- European Union trademark registration No. 005122916 **RS**, word, registered on 10 May 2007 for services in class 41;
- European Union trademark registration No. 006613889 **RUNESCAPE**, registered on 20 January 2009 for goods in class 28;
- European Union trademark registration No. 018578054 **RS OLD SCHOOL**, registered on 1 August 2022 for goods and services in classes 9, 16, 28, 38, 41, 45;
- European Union trademark registration No. 018577817 **OSRS GOLD**, registered on 16 April 2022.

Furthermore, the Complainant runs the domain name <runescape.com> for its official website. The undisputed evidence provided by the Complainant proves that this domain name resolves to a website relating to online video games since at least as early as 17 August 2000. The Complainant is also the owner of several domain names incorporating the RS mark, such as <rsclassic.com>, which resolves to the official website www.runescape.com.

According to EURid's verification, the disputed domain name <lunaors.eu> was registered on 1 June 2020.

The undisputed evidence provided by the Complainant proves that the disputed domain name resolves to a website allegedly offering services (i.e. online video games) in the Complainant's area of activity, i.e. competing services, and displaying without authorization the Complainant's marks RS. This fact it is not contested by the Respondent; in fact, in its Response, the Respondent accepts that some page content used "RS",

thus it has taken steps to remove or replace disputed references and materials after receiving notice.

A. COMPLAINANT

Firstly, the Complainant contends that it owns extensive rights covering RUNESCAPE and RS, which have achieved a high level of recognition worldwide. In addition, it contends that it has goodwill and reputation in the RUNESCAPE and RS brands. On this regard, it makes reference to the trade mark registrations enclosed as attachment with its Complaint.

The Complainant further contends that the disputed domain name is confusingly similar to its trademarks, because it incorporates the RS trade mark in its entirety as the distinctive and dominant element of the domain name. In addition, the inclusion of the descriptive term 'LUNA' as a prefix to 'RS' within the disputed domain name alludes to a moon orientated theme, which is prevalent throughout the various versions of the Complainant's games. Additionally, the inclusion of 'O' immediately before 'RS' further contributes to the domain being confusingly similar to the Complainant's trade marks due to the similarity between 'ORS' and 'OSRS'. Finally, the resolving website targets the Complainant's rights. In fact, the content available on the website used the Complainant's copyright-protected content in order to impersonate the Complainant, which evinces wilful targeting on behalf of the Respondent. The Complainant provides evidence that the term 'LUNAR' is a common term used in the Complainant's games.

The Complainant further contends that the Respondent has no rights or legitimate interests in the disputed domain name. According to the Complainant, based on the considerable reputation enjoyed by the Complainant in its trademarks, there is no believable or realistic reason for registration or use of the disputed domain name, other than to take advantage of the Complainant's rights and reputation. By the time of registration of the disputed domain name, the Complainant already had extensive rights (both registered and unregistered) in its trademarks, with a notable online presence. The Complainant submits that the Respondent is using the disputed domain name to resolve to a website which offers a pirated version of the Complainant's Old School RuneScape game, violating the Complainant's End User License Agreement and applicable copyright laws. The Complainant submits that the Respondent's use of the disputed domain name for what amounts to mere piracy cannot be a bona fide offering of goods or services, due to the illegal activity. The Complainant underlines that the Respondent does not have, and has never had, authorisation to use its trademarks in relation to online video games, nor any other goods and services protected by its trademarks. The Complainant submits that the Respondent has never legitimately been known as RS or RUNESCAPE at any point in time. The only reason the Respondent registered the disputed domain name was to take advantage of the Complainant's goodwill and valuable reputation in its brands. The disputed domain name had been set-up to take advantage of the Complainant's significant goodwill and valuable reputation in order to promote a pirate copy of the official game for illegitimate financial gain, through purchases advertised on their store, made available at the website to which the disputed domain name resolves.

Finally, the Complainant contends that the disputed domain name was registered and is being used in bad faith. According to the Complainant, the Respondent was unequivocally aware of the Complainant's brands, given the Respondent's deliberate impersonation of the Complainant's brands, and the Complainant's RuneScape and Old School RuneScape in-game assets and mechanics. The Respondent is free riding on the success of the RS and RUNESCAPE brands including by use of the Complainant's well-known in-game assets and promotional material, including but not limited to following: the Website promoting a pirated copy of the Old School RuneScape game made available for download on the website to which the disputed domain resolves, the game is a direct copy of Old School RuneScape; The background video used on the Websites' homepage has been taken from the Complainant's games; Use of in-game icons, including the images shown on the website to which the disputed domain name resolves (these icons are taken from Old School RuneScape); and Use of similar website templates for the Website's wiki. The only plausible explanation is that the Respondent's service impersonates the Complainant's games or otherwise intentionally uses the Complainant's copyright-protected works and adopts confusingly similar names and assets, with a view to diverting traffic from the Complainant's websites in order to promote a pirated copy of the Old School RuneScape game. The Complainant submits that the disputed domain name was registered with prior knowledge of the Complainant and its brands as evidenced by the substantial similarity of in-game assets, naming conventions, and art style, with a view to taking advantage of the attractive power of those brands to consumers of online video games. The Complainant submits based on the Respondent's use of the RS mark and RuneScape assets to sell similar and competing goods and services, the Respondent had actual knowledge of the Complainant's rights in the RuneScape brands at the time of registering the disputed domain name, as evidenced.

B. RESPONDENT

First, the Respondent underlines that this is a .eu ADR proceeding, not a UDRP proceeding. The Complaint repeatedly relies on UDRP terminology and policy wording and cases. The Respondent should not be prejudiced by the Complainant's attempt to frame a .eu domain-name dispute as though it were a standard UDRP case.

The Respondent further submits that the disputed domain name is not identical or confusingly similar to a name protected by the Complainant for purposes of the .eu ADR Rules. In particular, to the extent the Complainant relies on United Kingdom registrations, goodwill, or legal rights, the Respondent does not accept that such rights, by themselves, automatically satisfy the .eu ADR requirements. In addition, the Respondent understands that the Complainant also refers to certain EU rights. The Respondent's position is that the Complaint still fails because the specific domain name <lunaors.eu> is not identical or confusingly similar to the Complainant's protected names and because the Respondent did not register the domain name to sell it to the Complainant, block the Complainant, impersonate or pass himself off as the Complainant. In addition, the Respondent contends that the disputed domain name was chosen as a combination of "Luna" and "ORS/Origins. Furthermore, the Respondent accepts that some page content and community references used "RS" or game-related terminology, but those references do not change the actual domain name from "lunaors" into the Complainant's protected names. To the extent the Complainant relies on page content, that may be relevant to questions of intent or use, but it does not make the domain name itself identical or confusingly similar to the Complainant's protected names.

In addition, the Respondent contends that it had a legitimate reason for selecting and registering the domain name. In particular, it did not register the domain for sale to the Complainant, did not contact the Complainant to sell the domain, and did not register the domain to block the Complainant. The Respondent selected the name for an online gaming/community project under the Luna name. The main name and logo used on the website were "Luna". The Respondent accepts that some page content and community references used "RS" or game-related terminology, but the Respondent did not intend those references to indicate that the website was operated, sponsored, endorsed, or approved by the

Complainant. Without admission of liability, the Respondent has taken steps to remove or replace disputed references and materials after receiving notice. The Respondent underlines that the Complainant's allegations concern copyright, software, game mechanics, assets, videos, icons, website templates, and contractual terms and should not be conclusively determined in a summary .eu domain-name proceeding. The Respondent accepts that certain website materials could have been presented more clearly and that additional clarification regarding non-affiliation may have been helpful. The Respondent **has taken steps to remove or replace disputed references, names, images, and video material**. The Respondent is also willing to ensure that any future use of the Luna branding includes a clear statement that the project is not affiliated with, endorsed by, sponsored by, or approved by Complainant. The Respondent has submitted current screenshots showing remedial changes made without admission of liability. They show that the Respondent has acted constructively and is willing to reduce any possible confusion.

Furthermore, the Respondent underlines that the disputed domain name was not registered or used in bad faith in the sense required for revocation. In particular, the disputed domain name was not registered to sell it to the Complainant, nor to prevent the Complainant from reflecting its marks in a domain name, nor to impersonate the Complainant or to pass the Respondent off as the Complainant. The Respondent did not intend the website to appear as an official Complainant-operated website. The Complaint relies mainly on screenshots taken in April 2026. The Respondent does not accept that later website screenshots automatically prove bad-faith registration of the domain name in 2020. The screenshots show selected pages at a particular point in time. They do not prove that the Respondent acquired the domain name in 2020 for the purpose of targeting the Complainant's marks. The Respondent accepts that some page content and community materials included terms or visual elements objected to by the Complainant, but this does not mean the domain name itself was registered in bad faith. The Respondent accepts that some website content could have been clearer, but the Respondent denies that he attempted to pass himself off as the Complainant or that he selected the domain name <lunaors.eu> for that purpose. The Respondent has acted constructively after receiving notice. Without admission of liability, the Respondent reviewed the matters complained of and took steps to remove or change disputed names, references, images, and video material, showing that the Respondent is willing to avoid confusion and resolve concerns proportionately.

Finally, the Respondent stress that the Complainant's wider allegations should not overtake the specific .eu ADR test for revocation of lunaors.eu. The Respondent does not ask the Panel to decide any wider copyright, software, or EULA questions. Equally, the Respondent submits that the Panel should not make unnecessary findings on those issues against the Respondent in a domain-name decision.

DISCUSSION AND FINDINGS

A. General

According to Recital 17 Regulation (EU) 2019/517 of the European Parliament and of the Council of 19 March 2019 on the implementation and functioning of the .eu top-level domain name and amending and repealing Regulation (EC) No 733/2002 and repealing Commission Regulation (EC) No 874/2004 ("the Regulation"), an ADR procedure may be initiated by any party where the registration is speculative or abusive. In the present case, the question is therefore, whether the registration is speculative or abusive.

According to **Article 4 (4) of the Regulation** and **Paragraph B 11(d)(1) of the ADR Rules**, the Complainants bear the burden of proving the following:

1. the disputed domain name is identical with or confusingly similar to a **name** in respect of which a right is recognised or established by Union or national law of a Member State; either
2. the disputed domain name has been registered by the Respondent without rights or legitimate interest in the name; or
3. the disputed domain name has been registered or is being used in bad faith.

Given the similarities between the ADR Rules and the Uniform Domain Name Dispute Resolution Policy ("UDRP"), the Panel will also refer to UDRP jurisprudence where instructive.

B. Procedural issues

In the case at hand the Complainant mentioned and attached to the Complaint a list of its trademarks worldwide for RS and RUNESCAPE among which the Panel easily identified the following mark: European Union trademark registration No. 005122916 **RS**, word, registered on 10 May 2007 for services in class 41 and European Union trademark registration No. 006613889 **RUNESCAPE**, registered on 20 January 2009 for goods in class 28. The list indicates for each trademark: a) the trademark number, b) the application number, c) the mark text, d) logo, e) the registry, f) the classes, g) the goods and services, h) the owner, i) the jurisdiction, j) the application date, k) the registration date. In addition, for each trademark there is a hyperlink to the service provider's relevant database.

The Panel undertook limited factual research into matters of public record and accessed the European Union trademark registration database, verifying the correctness of the relevant information in relation to these European Union trademarks. The Panel considered such information useful to reach a decision, in particular to affirm or corroborate the Complainant's contention that it owns extensive rights covering RS (and RUNESCAPE). In fact, as established in Paragraph B 7(a), of the ADR Rules, the Panel is not obliged, but is permitted at its sole discretion, to conduct its own investigations on the circumstances of the case.

With comparative reference to the WIPO Overview of WIPO Panel Views on Select UDRP Questions ("WIPO Overview 3.1"), section 4.8, it has been accepted that a panel may undertake limited factual research into matters of public record if it would consider such information useful to assessing the case merits and reaching a decision, in particular to affirm or corroborate a party's contention. This may include accessing trademark registration databases, as it was in the case at hand.

C. Substantive Issues

1. Identical or Confusingly Similar to a name in respect of which a right or rights are recognized or established by national law of a Member State and/or European Union law

Pursuant to Article 4 (4) of the Regulation and Paragraph B(11)(d)(1) of the ADR Rules, the Complainant must, first of all, establish that the disputed domain name is identical or confusingly similar to a name in respect of which a right is recognised or established by Union or national

law of a Member State.

It results from the undisputed evidence before this Panel that the Complainant is the registered owner of European Union trademark registration No. 005122916 **RS**, word, registered on 10 May 2007 for services in class 41. This trademark registration predated the disputed domain name's registration.

The entirety of the mark RS is reproduced within the disputed domain name **<lunaors.eu>**.

With comparative reference to the WIPO Overview 3.1, section 1.7, in cases where a disputed domain name incorporates - in particular - the entirety of a trademark, the disputed domain name will normally be considered confusingly similar to that mark for the purposes of ADR Rules.

Although the addition of other terms, here "luna" (corresponding to "moon" in English) and "o", may bear on assessment of the second and third elements the Panel finds the addition of such term and letter does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the ADR Rules. WIPO Overview 3.1, section 1.8.

Furthermore, it is the consensus view among the panels that the applicable Top-Level Domain ".eu" may be disregarded in determining identity or confusing similarity, since it is viewed as a standard registration requirement (see CAC .EU Overview 2.0 at point III.1. for further references).

Hence, this Panel finds that the disputed domain name is confusingly similar to a name in respect of which a right is recognised or established by Union or national law of a Member State so that the Panel will proceed with the examination.

2. Rights or Legitimate Interests

The Panel finds that there is no information to suggest rights or legitimate interests of the Respondent to use the Complainant's RS trademark, pursuant to Article 4 (4) of the Regulation and Paragraph B(11)(d)(1)(ii) of the ADR Rules.

Paragraph B(11)(e) of the ADR Rules contains a non-exhaustive list of circumstances which, if found by the Panel to be proved, shall demonstrate the Respondent's rights or legitimate interests in the disputed domain name. In the Panel's view, based on the undisputed allegations stated above, the Complainant has made a prima facie case that none of these circumstances are found in the case at hand and, therefore, that the Respondent lacks rights or legitimate interests in the disputed domain name.

With comparative reference to the WIPO Overview 3.1, section 2.1, although the overall burden of proof in ADR proceedings is on the complainant, panels have recognized that proving a respondent lacks rights or legitimate interests in a domain name may result in the difficult task of "proving a negative", requiring information that is often primarily within the knowledge or control of the respondent. As such, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production on this element shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name (although the burden of proof always remains on the complainant). If the respondent fails to come forward with such relevant evidence, the complainant is deemed to have satisfied the second element.

Having reviewed the available record, the Panel finds 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 ADR Rules or otherwise.

In this case, the Complainant maintains that the Respondent was not authorized to reflect its RS mark in the disputed domain name. The Complainant has no relationship with the Respondent and the Respondent does not appear to have been commonly known by the disputed domain name. Moreover, the Panel notes that the disputed domain name is clearly constituted by the "RS" registered trademark and the term "LUNA" (which is commonly used in the Complainant's video games, as per undisputed evidences provided by the Complainant and therefore clearly referring to the Complainant's field of activity) and the letter "O" which is located immediately before "RS" (and therefore as a whole recalling the Complainant's marks OSRS due to the similarity between "ORS" and "OSRS"). The composition of the disputed domain name thus tends to suggest sponsorship or endorsement by the Complainant. This is also confirmed by the content of the website to which the disputed domain name resolves offering services (i.e. online video games) in the Complainant's area of activity, i.e. competing services, and displaying without authorization the Complainant's marks RS. As already mentioned, this fact is not contested by the Respondent.

With comparative reference to the WIPO Overview 3.1, section 2.5.1, the composition of the disputed domain name directly targeting the Complainant's field of activity, enhances the false impression that the disputed domain name is somehow officially related to the Complainant and promoting the Complainant's business. Such composition of the disputed domain name cannot constitute fair use if it effectively impersonates or suggests sponsorship or endorsement by the trademark owner.

The Complainant is therefore deemed to have satisfied Paragraph B(11)(d)(1)(ii) of the ADR Rules.

3. Registered or Used in Bad Faith

It results from the undisputed evidence before the Panel that the disputed domain name has been registered or is being used in bad faith, pursuant to Article 4 (4) of the Regulation and Paragraph B(11)(d)(1)(iii) of the ADR Rules.

The Panel notes that, for the purposes of paragraph B(11)(d)(1)(iii) of the ADR Rules, Paragraph B(11)(f) of the ADR Rules establishes circumstances, in particular, but without limitation, that, if found by the Panel to be present, shall be evidence of the registration or use of a domain name in bad faith.

In the present case, the Panel notes that the disputed domain name includes the Complainant's trademark RS and the term "LUNA" (clearly referring to the Complaint's field of activity) and the letter "O" which is located immediately before "RS" (and therefore as a whole recalling the Complainant's marks OSRS). Therefore, this Panel has no doubt that the Respondent positively knew the Complainant's trademark when registering the disputed domain name. This is corroborated by the content of the website to which the disputed domain name resolves, offering services (i.e. online video games) in the Complainant's area of activity, i.e. competing services, and displaying without authorization the Complainant's marks RS.

Paragraph B(11)(f) of the ADR Rules sets out a list of non-exhaustive circumstances that may indicate that a domain name has been registered

or is being used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith, With comparative reference to the WIPO Overview 3.1, section 3.2.1.

On this regard, the further circumstances surrounding the disputed domain name's registration and use confirm the findings that the Respondent has registered and is using the disputed domain name in bad faith:

(i) the nature of the disputed domain name (i.e., the Complainant's trademark in its entirety plus the term "LUNA" (which is commonly used in the Complainant's video games and therefore clearly referring to the Complaint's field of activity) and the letter "O" which is located immediately before "RS" (and therefore as a whole recalling the Complainant's marks OSRS due to the similarity between "ORS" and "OSRS");

(ii) the content of the website to which the disputed domain name directs (i.e., offering services in the Complainant's area of activity and displaying without authorization the Complainant's marks);

(iii) a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent's choice of the domain name;

(iv) the Respondent's use of a privacy service to conceal its identity;

DECISION

For all the foregoing reasons, in accordance with Paragraphs B12 (b) and (c) of the Rules, the Panel orders that the disputed domain name <lunaors.eu> be revoked.

PANELISTS

Name	Dr. Federica Togo

DATE OF PANEL DECISION 2026-06-15

Summary

ENGLISH SUMMARY OF THIS DECISION IS HEREBY ATTACHED AS ANNEX 1

I. Disputed domain name: **lunaors.eu**

II. Country of the Complainant: **United Kingdom**, country of the Respondent: **Netherlands**

III. Date of registration of the domain name: **1 June 2020**

IV. Rights relied on by the Complainant (B(11)(f) ADR Rules) on which the Panel based its decision: **European Union trademark registration No. 005122916 RS, word, registered on 10 May 2007 for services in class 41**

V. Response submitted: Yes

VI. Domain name is confusingly similar to the protected right/s of the Complainant

VII. Rights or legitimate interests of the Respondent (B(11)(f) ADR Rules):
1. NO
2. Why: **The composition of the disputed domain name thus tends to suggest sponsorship or endorsement by the Complainant. This is also confirmed by the content of the website to which the disputed domain name resolves offering competing services and displaying without authorization the Complainant's marks.**

VIII. Bad faith of the Respondent (B(11)(e) ADR Rules):
1. Yes
2. Why: **Further circumstances surrounding the disputed domain name's registration and use confirm the findings that the Respondent has registered and is using the disputed domain name in bad faith: the nature of the disputed domain name, the content of the website to which the disputed domain name directs, a clear absence of rights or legitimate interests coupled with no credible explanation for the respondent's choice of the domain name, the Respondent's use of a privacy service to conceal its identity.**

IX. Other substantial facts the Panel considers relevant: -

X. Dispute Result: Revocation of the disputed domain name

XI. Procedural factors the Panel considers relevant:

The Panel undertook limited factual research into matters of public record and accessed the European Union trademark registration database, verifying the correctness of the relevant information in relation to the European Union trademarks concerned. The Panel considered such information useful to reach a decision, in particular to affirm or corroborate the Complainant's contention that it owns extensive rights covering RS (and RUNESCAPE).

XII. [If transfer to Complainant] Is Complainant eligible? [Yes/No]