

ADMINISTRATIVE PANEL DECISION

Cube Limited v. SERVER VPS, VPS SERVER TERBAIK and Budi Zalom Case No. D2023-1851

1. The Parties

The Complainant is Cube Limited, United Kingdom, represented by Farrer & Co., United Kingdom.

The Respondents are SERVER VPS, VPS SERVER TERBAIK, Indonesia, and Budi Zalom, Cambodia.

2. The Domain Names and Registrars

The disputed domain names <wêbêt188duâidprô.com> (<xn--wbt188duidpr-wbb8hb5o.com>), <webet188s.com>, and <webet1882艾薩.com> (<xn--webet1882-jx5y58w.com>) are registered with NameCheap, Inc. (the “Registrar”).

The disputed domain name <webet1882.コム> (<webet1882.xn--tckwe>) is registered with Dynadot, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 25, 2023. On April 26, 2023, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On April 26, 2023, the Registrars transmitted by email to the Center their verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (WithHeldForPrivacy, ehf / Super Privacy Service LTD c/o Dynadot) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 27, 2023 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 amended Complaint on May 2, 2023.

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 of the Complaint, and the proceedings commenced on May 5, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 25, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 26, 2023.

The Center appointed Kaya Köklü as the sole panelist in this matter on June 16, 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 Background

The Complainant is a company incorporated in United Kingdom. It offers betting and casino products and services.

The Complainant owns various word and figurative 188 and 188BET trademark registrations around the globe. The Complainant is, *among others*, the registered owner of the United Kingdom Trademark Registration Nos. UK00908390379 for 188 (registered on March 22, 2010) and UK00908425324 for 188BET (also registered on March 22, 2010), both covering protection for various goods and services as protected in class 9, 28, 41, and 42 (Annex 3 to the Complaint).

The Complainant further owns and operates its business from its official website at <188bet.com>, with an indicated average of over one million visitors per month.

The Respondents are reportedly located in Indonesia and Cambodia.

The disputed domain name <wêbêt188duâidprô.com> (<xn--wbt188duidpr-wbb8hb5o.com>) was registered on June 29, 2022.

The disputed domain name <webet188s.com> was registered on February 1, 2020.

The disputed domain name <webet1882艾薩.com> (<xn--webet1882-jx5y58w.com>) was registered on March 14, 2023.

The disputed domain name <webet1882.コム> (<webet1882.xn—tckwe>) was registered on July 25, 2022.

The screenshots, as provided by the Complainant, show that the disputed domain names resolve to virtually identical or at least highly similar websites purportedly offering various kinds of betting services. They are sharing multiple of identical features (Annex 5 to the Complaint). It is further noted that on the associated websites, the Respondents prominently use the 188 and 188BET word marks, creating the (false) impression as if the websites are operated or at least authorized by the Complainant. In addition, some of the disputed domain names redirect Internet users to each other or equivalent pages.

5. Parties' Contentions

A. Complainant

The Complainant requests the transfer of the disputed domain names.

First, the Complainant requests consolidation of the Respondents, arguing that the registrants of the disputed domain names are either the same person or at least connected to one another and should be considered as the same domain name holder for the purpose of this administrative proceeding.

The Complainant is further of the opinion that the disputed domain names are confusingly similar to its 188 and 188BET trademarks.

It also argues that the Respondents have no rights or legitimate interests in respect of the disputed domain names.

Finally, the Complainant is convinced that the Respondents have registered and are using the disputed domain names in bad faith.

B. Respondent

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

6. Discussion and Findings

6.1. Preliminary Issue: Consolidation of Respondents

As neither the Policy nor the Rules explicitly provides provisions for the consolidation of claims against multiple respondents into a single administrative proceeding, UDRP panels generally apply the principles for consolidation as set out at section 4.11 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Section 4.11.2 of the [WIPO Overview 3.0](#) states the following: "Where a complaint is filed against multiple respondents, panels look at whether (i) the domain names or corresponding websites are subject to common control, and (ii) the consolidation would be fair and equitable to all parties. Procedural efficiency would also underpin panel consideration of such a consolidation scenario". See also, *Speedo Holdings B.V. v. Programmer, Miss Kathy Beckerson, John Smitt, Matthew Simmons*, WIPO Case No. [D2010-0281](#).

In this regard, previous UDRP panels particularly considered the following aspects in determining whether consolidation is appropriate: similarities in or relevant aspects of (i) the registrants' contact information, (ii) the content or layout of websites corresponding to the disputed domain names, (iii) whether the registrants are targeting a specific sector, and (iv) the relevant language/scripts of the disputed domain names.

In light of the criteria set out above, the Panel is convinced that all disputed domain names are under common control.

In view of the Panel, the Complainant has provided sufficient evidence that the Respondents are most likely connected to each other. This is particularly indicated by various undisputed facts, such as that all disputed domain names resolve to virtually identical or at least highly similar websites, sharing multiple of identical features. Also, all associated websites are allegedly offering the same betting services by using the Complainant's 188 and 188BET trademarks (Annex 5 to the Complaint).

Bearing in mind that none of the Respondents have raised any objection to the Complainant's consolidation request, the Panel is convinced that in the present case consolidation of multiple respondents is procedurally efficient, fair, and reasonable to all Parties.

The Panel therefore, for the purpose of this decision, accepts the case to be dealt with in a consolidated Complaint and will refer, whenever appropriate, to the Respondents as "the Respondent" below.

6.2. Substantial Issues

According to paragraph 15(a) of the Rules, the Panel shall decide the Complaint in accordance with the Policy, the Rules and any rules and principles of law that it deems applicable.

In accordance with paragraph 4(a) of the Policy, the Complainant must prove that each of the three following elements is satisfied:

- (i) the disputed domain names are identical or confusingly similar to a trademark in which the Complainant has rights; and

- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are being used in bad faith.

Paragraph 4(a) of the Policy states that the Complainant bears the burden of proving that all these requirements are fulfilled, even if the Respondent has not replied to the Complainant's contentions. *Stanworth Development Limited v. E Net Marketing Ltd.*, WIPO Case No. [D2007-1228](#).

However, concerning the uncontested information provided by the Complainant, the Panel may, where relevant, accept the provided reasonable factual allegations in the Complaint as true. See section 4.3 of the [WIPO Overview 3.0](#).

For the evaluation of this case, the Panel has taken note of the [WIPO Overview 3.0](#) and, where appropriate, will decide consistent with the consensus views stated therein.

A. Identical or Confusingly Similar

To begin with, the Panel confirms that the Complainant has satisfied the threshold requirement of having relevant trademark rights. As evidenced in the Complaint, the Complainant is the owner of the 188 and 188BET trademarks, which are registered in various jurisdictions since at least 2010 (Annex 3 to the Complaint).

The Panel further finds that the disputed domain names are confusingly similar to the Complainant's 188 and 188BET trademarks, as they fully incorporate the Complainant's trademarks.

As stated in section 1.8 of the [WIPO Overview 3.0](#), where the relevant trademark is recognizable within a disputed domain name, the addition of other characters and terms would generally not prevent a finding of confusing similarity. In the present case, the Panel finds that the addition of the additional terms and characters within the disputed domain names do not prevent a finding of confusing similarity between the disputed domain names and the Complainant's 188 and 188BET trademarks, as they are still well recognizable within the disputed domain names.

Also, the Respondent's use of the disputed domain names further supports the assessment of confusing similarity. Although the content of websites is usually disregarded under the first element of the UDRP, Panels have taken note of the content of a website associated with a disputed domain name to confirm confusing similarity where it appears *prima facie* that the respondent seeks to target a trademark through the disputed domain names. See section 1.15 of [WIPO Overview 3.0](#).

In the present case, the Respondent uses the disputed domain names to host websites for offering betting services compliant to the Complainant's business sector, while prominently featuring the Complainant's 188 and 188BET word marks on the associated websites (Annex 5 to the Complaint). In view of the Panel, this strongly suggests that the Respondent intended the disputed domain names to be confusingly similar to the Complainant's trademarks as a means of furthering consumer confusion.

In view of the above, the Panel concludes that the disputed domain names are confusingly similar to the Complainant's 188 and 188BET trademarks.

Accordingly, the Panel finds that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

While the burden of proof remains with the Complainant, the Panel recognizes that this would often result in the impossible task of proving a negative, in particular as the evidence needed to show the Respondent's rights or legitimate interests is primarily within the knowledge of the Respondent. Therefore, the Panel

agrees with prior UDRP panels that the Complainant is required to make out a *prima facie* case before the burden of production of evidence shifts to the Respondent to show that it has rights or legitimate interests in the disputed domain name to meet the requirements of paragraph 4(a)(ii) of the Policy. *Croatia Airlines d.d. v. Modern Empire Internet Ltd.*, WIPO Case No. [D2003-0455](#).

With its Complaint, the Complainant has provided *prima facie* evidence that the Respondent has no rights or legitimate interests, particularly no license or alike to use the Complainant's 188 and 188BET trademarks within the disputed domain names.

In the absence of a Response, the Respondent has failed to demonstrate any of the nonexclusive circumstances evidencing rights or legitimate interests under the Policy, paragraph 4(c) or provide any other evidence of a right or legitimate interest in the disputed domain names.

There is particularly no doubt that the Respondent was well aware of the Complainant and its 188 and 188BET trademarks before registering and using the disputed domain names. The Panel is convinced that the Respondent deliberately has chosen the disputed domain names to cause confusion with the Complainant and its betting business among Internet users. Also, the Panel notes that the nature of the disputed domain names along with the content of the associated websites (reproducing the Complainant's 188 and 188BET word marks), indicates the Respondent's intention to create a risk of affiliation or association with the Complainant and its trademarks.

Bearing all this in mind, the Panel does also not see any basis for assessing a *bona fide* offering of goods or services by the Respondent.

Consequently, the Panel finds that the Complainant has satisfied the requirements of paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel is convinced that the disputed domain names have been registered and are being used in bad faith.

At the date of registration of the disputed domain names, the Complainant's 188 and 188BET word marks were already registered and internationally used for many years, including by the official company domain name <188bet.com>. It is obvious to the Panel, that the disputed domain names have been deliberately chosen to target the Complainant and its business.

This finding is supported by the use of the disputed domain names, which are associated to websites which prominently use the Complainant's 188 and 188BET marks, which in view of the Panel, is strongly indicating that Internet users visiting the associated websites shall be attracted by deliberately creating a likelihood of confusion with the Complainant as to the source, sponsorship, affiliation or endorsement of the websites.

Additionally, the Panel notes that the Respondent failed to submit a response to the Complainant's contentions or to at least rebut any of the Complainant's contentions, which the Panel assesses as another indication for bad faith.

Taking all facts of the case into consideration, the Panel believes that this is a typical cybersquatting case, which the UDRP was designed to stop.

The Panel therefore concludes that the disputed domain names were registered and are being used in bad faith and that the Complainant consequently has also satisfied the third element of the Policy, namely, paragraph 4(a)(iii) of the Policy.

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 names <wêbêt188duâidprô.com> (<xn--wbt188duidpr-wbb8hb5o.com>), <webet188s.com>, <webet1882.コム> (<webet1882.xn--tckwe>), and <webet1882艾薩.com> (<xn--webet1882-jx5y58w.com>) be transferred to the Complainant.

/Kaya Köklü/

Kaya Köklü

Sole Panelist

Date: June 30, 2023