

ADMINISTRATIVE PANEL DECISION

bet365 Group Limited v. So So, ss
Case No. D2022-4506

1. The Parties

The Complainant is bet365 Group Limited, United Kingdom, represented by Mishcon de Reya LLP, United Kingdom.

The Respondent is So So, ss, United Arab Emirates.

2. The Domain Name and Registrar

The disputed domain name <bte365.com> is registered with GoDaddy.com, LLC (the "Registrar").

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on November 25, 2022. On November 25, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On November 28, 2022, 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 (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 1, 2022, 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 December 2, 2022. The Center received an informal communication from Respondent on December 5, 2022.

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 December 7, 2022. In accordance with the Rules, paragraph 5, the due date for Response was December 27, 2022. The Center proceeded to panel appointment on January 3, 2023.

The Center appointed John Swinson as the sole panelist in this matter on January 12, 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

Founded in 2000, the Complainant is one of the world's largest online betting and gaming companies. The Complainant operates in around 140 countries and has over 80 million customers worldwide. Through its website resolving from the domain name <bet365.com>, registered in 2000, the Complainant uses the trademark BET365 in connection with sports betting and online casino games.

The Complainant owns numerous trademark registrations for BET365, including United Kingdom trademark No. UK00002456453 for BET365, registered on January 16, 2009; European Union Trade Mark No. 005928346 for BET365, registered on February 15, 2012; and Australian trademark No. 1378091 for BET365, registered on January 14, 2013.

According to the Registrar's records, the Respondent's name is So So, from the organization "ss", and has an address in Denpasar, Bali, AE (United Arab Emirates). The Respondent provided a Gmail email address.

The disputed domain name was initially registered on August 14, 2004. However, the Respondent has confirmed it purchased the disputed domain name "last July" (apparently meaning July 2022, or at earliest July 2021). In the circumstances, and noting the Respondent would be in the best position to know the date on which it registered the disputed domain name, the Panel is prepared to accept the Respondent's undisputed claim of recent registration of the disputed domain name (at earliest in July 2021).

At the date of the Complaint, and at the date of the decision, the disputed domain name diverts to a website located at <bt365yy.com> that has the title "Forbidden" and includes the banner "bet365" with other writing in Mandarin or Cantonese. It includes text such as "访问的地区不在服务范围" which can be translated as "The area visited is not serviced" and appears to be a notice that the Panelist has been geo-blocked.

5. Parties' Contentions

A. Complainant

In summary, the Complainant makes the following submissions.

As a result of its trading activities and success, the Complainant has acquired significant goodwill and reputation internationally under the bet365 name.

The Complainant owns trademark registrations for BET365 as set out in Section 4 above. The disputed domain name is highly similar to the Complainant's trademarks, fully reproducing the BET365 trademark, with the only difference being that the disputed domain name contains "bte" rather than "bet". This is a clear example of typosquatting, as the inversion of letters is a common form of misspelling of the complainant's trademark.

The Complainant has been unable to navigate beyond the homepage of the website accessed via the disputed domain name as it appears to be geo-blocked. However, the homepage of the website accessed via the disputed domain name contains the Complainant's BET365 logo and in the same colour scheme.

The Respondent has no connection or affiliation with the Complainant and the Complainant has not licensed or otherwise directly or indirectly authorized the Respondent to use its BET365 trademarks.

The use of “bte365” in the disputed domain name is clearly a deliberate attempt to deceitfully lure consumers to the Respondent’s website who may have made a typing error when entering the website name and type “bte” rather than “bet”. If they fail to realize the error that they have made, consumers would then have the mistaken belief that they are on the Complainant’s website or that the Respondent’s website is associated with the Complainant’s legitimate business.

It is self-evident that the Respondent would have known the existence of the Complainant’s trademarks.

It is very likely that the Respondent is using the disputed domain name to intentionally attract Internet users, for commercial gain, to the Respondent’s website by creating a likelihood of confusion with the BET365 trademark, such likelihood arising as to the source, sponsorship, affiliation or endorsement of the website of the Respondent.

B. Respondent

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

The Respondent sent an informal communication dated December 5, 2022, that stated that the Respondent purchased the disputed domain name in July from a domain name broker for USD 24,000.

6. Discussion and Findings

To succeed, the Complainant must demonstrate that all of the elements enumerated in paragraph 4(a) of the Policy have been satisfied, namely:

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

The onus of proving these elements is on the Complainant.

Paragraph 15(a) of the Rules directs the Panel to decide the Complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable.

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy provides that the Complainant must establish that the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights.

The Complainant owns trademark registrations for BET365. The disputed domain name is confusingly similar to the Complainant’s BET365 trademark; merely the letters “e” and “t” have been reversed when compared with the Complainant’s trademark. The Respondent has not added any other terms to the disputed domain name. The Complainant’s BET365 trademark is recognizable in the disputed domain name.

It is well established that where there is “typosquatting”, the domain name in question can be considered to be confusing similarly to the trademark (*Deutsche Bank Aktiengesellschaft v. New York TV Tickets Inc.*, WIPO Case No. [D2001-1314](#); *Crytek IP Holding LLC v. Privacy Service Provided by Withheld for Privacy ehf / mike andres*, *OSONYO TRADE LTD*, WIPO Case No. [D2022-1438](#).)

The Panel considers this to be a clear case of typosquatting. The disputed domain name is confusingly similar to the Complainant's bet365 trademark.

The Complainant is successful on the first element of the Policy.

B. Rights or Legitimate Interests

The Complainant's allegations as to the Respondent's lack of rights or legitimate interests in the disputed domain name are outlined above in section 5A. The Panel finds that the Complainant has made a *prima facie* showing that the Respondent lacks rights or legitimate interests in the disputed domain name.

As previous UDRP panels have found, typosquatting does not constitute a legitimate use of the disputed domain name (see, e.g., *Edmunds.com, Inc. v. Yingkun Guo, dba This domain is 4 sale*, WIPO Case No. [D2006-0694](#); *Barnes & Noble College Bookstores, Inc. v. Oleg Techino*, WIPO Case No. [D2006-1537](#)).

The Respondent has chosen not to file a formal Response. The Respondent has not produced any evidence to establish its rights or legitimate interests in the disputed domain name. Other than generally referencing an alleged purchase price of the disputed domain name (for which no evidence was presented), the Respondent has not explained the reason for purchasing the disputed domain name or the use of the disputed domain name. In this context, as well as the use of the Complainant's logo on the Respondent's website resolving from the typosquatting disputed domain name, in a clear attempt to create a false impression of association with the Complainant, the Panel is unable to consider any plausible *bona fide* or legitimate use of the disputed domain name. Moreover, the Respondent is clearly not commonly known by the disputed domain name.

Accordingly, none of the circumstances listed in paragraph 4(c) apply in the present circumstances. The Panel finds on the evidence before the Panel that the Respondent has no rights or any legitimate interests in the disputed domain name.

The Complainant is successful on the second element of the Policy.

C. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy provides that the Complainant must establish that the Respondent registered and subsequently used the disputed domain name in bad faith.

The use of the Complainant's BET365 logo on the website to which the disputed domain name diverts shows that the Respondent is aware of the Complainant and the Complainant's well-known BET365 trademark. Moreover, taking into consideration that the Complainant's company name BET365 GROUP LIMITED was established in the United Kingdom since November 15, 2001, the Complainant registered the domain name <bet365.com> in 2000 (though which it operates a website prominently displaying its BET365 trademark), and its trademark BET365 is highly reputed and has been widely used for many years, there is no obvious reason for the Respondent to register the disputed domain name other than for the purpose of attempting to trade off the Complainant's goodwill in its BET365 trademark.

The Respondent also registered the disputed domain name using a false name and false address, which is a further indication of bad faith in these circumstances. *The Citco Group Limited v. Contact Privacy / ".",* WIPO Case No. [D2020-0941](#).

Previous UDRP panels have found that engaging in typosquatting may support a finding of bad faith.

The Panel finds that the Respondent has intentionally attempted to attract for commercial gain Internet users to its website by creating likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the website under paragraph 4(b)(iv) of the Policy.

The Complainant succeeds on the third element of the Policy in relation to the disputed domain name.

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 <bte365.com> be transferred to the Complainant.

/John Swinson/

John Swinson

Sole Panelist

Date: January 26, 2023