

## **ADMINISTRATIVE PANEL DECISION**

Cube Limited v. Domains by Proxy, LLC / Ge Hua Sheng  
Case No. DCO2022-0055

### **1. The Parties**

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

The Respondent is Domains by Proxy, LLC, United States of America / Ge Hua Sheng, Hong Kong, China.

### **2. The Domain Names and Registrar**

The disputed domain names <188bet1.co>, <188bet2.co>, <188bet3.co>, <188bet4.co>, <188bet5.co>, <188bet6.co>, <188bet8.co>, <188bet9.co>, <188bet10.co>, <188bet11.co>, <188bet12.co>, <188bet13.co>, <188bet14.co>, <188bet15.co>, <188bet16.co>, <188bet17.co>, <188bet18.co>, <188bet19.co>, <188bet20.co>, <188bet21.co>, <188bet22.co>, <188bet23.co>, <188bet24.co>, <188bet25.co>, <188bet26.co>, <188bet27.co>, <188bet28.co>, <188bet29.co>, <188bet30.co>, and <188bet31.co> are registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 26, 2022. On July 27, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On July 28, 2022, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent and contact information in the Complaint. The Center sent an email communication to the Complainant on July 29, 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 amendment to the Complaint on August 4, 2022.

The Center verified that the Complaint together with the amendment to the 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 August 4, 2022. In accordance with the Rules, paragraph 5, the due date for Response was August 24, 2022. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 28, 2022.

The Center appointed John Swinson as the sole panelist in this matter on September 1, 2022. 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 operates a website that provides a range of betting products for consumers, such as casino games and lotto. This website is located at “www.188bet.com”.

The Complainant owns registered trademarks for 188BET in both word and logo form, including *inter alia* European Union trademark registration number 008449597, registered on March 22, 2010; and United Kingdom trademark registration number UK00908425324, registered on March 22, 2010.

The Respondent did not file a Response, so little is known of the Respondent. The Respondent has an address in Hong Kong, China.

All the disputed domain names were registered on April 3, 2022.

Before the filing of the Complaint, the disputed domain names resolved to similar websites that were mostly in Chinese, but that included some words in English, providing gambling and gaming services. The Complainant’s 188BET logo trademark was included at the top left of each page of these websites.

At the present time, the disputed domain names do not resolve to any active websites.

#### **5. Parties’ Contentions**

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

In summary, the Complainant makes the following submissions:

The Complainant is the exclusive owner of various registered trademarks worldwide for the numerals 188 on a standalone basis, together with the numerals and wording 188BET; and a device mark which contains the distinctive feature of the number 188 within an irregular slanting orange pentagonal shape.

The Complainant first used the Complainant’s trademarks in 2005 and has used them on the Complainant’s website since 2006. The Complainant’s trademarks are the prominent and distinctive element of the Complainant’s branding and continues to hold significant goodwill in the 188BET brand since first use. The Complainant has thus achieved a significant customer base for its services.

The Complainant operates its business from its website at “www.188bet.com” which provides consumers with a range of betting products and services under the Complainant’s trademarks. It also specialises in live and traditional casino entertainment services online. The Complainant has a significant global customer base. The majority of customers are based in Asia, where the Complainant’s trademarks and brand are recognized.

The dominant components of the disputed domain names is the 188BET trademarks. The mere addition of the numerals 1 to 31 (excluding the numeral 7) after the trademark 188BET, in each of the disputed domain names respectively does nothing to minimise the risk of Internet users looking for the Complainant’s website.

The confusing similarity of the disputed domain names using non-distinct numerals after the trademark 188BET, is exacerbated by the fact that the websites to which the disputed domain names intentionally divert to, clearly display the 188BET trademarks in numerous places, implying it is the Complainant when in fact it

is not.

The Respondent is neither a licensee of the Complainant nor does it have any connection or affiliation with the Complainant. The Respondent has no rights to use the Complainant's trademarks (or confusingly similar trademarks) in the disputed domain names, and has not received any consent, express or implied, to do so. The Respondent does not, to the best of the Complainant's knowledge after a reasonable search of relevant registers, own any registered rights that are identical or confusingly similar to the Complainant's trademarks.

The Respondent's use of the disputed domain names is not *bona fide* because the disputed domain names redirect to websites featuring the Complainant trademarks and masquerades as being the Complainant or connected, affiliated or endorsed by the Complainant.

The registration of the disputed domain names by the Respondent occurred in 2022, 16 years after the Complainant first commenced its use of the 188BET trademarks. Given the Complainant's significant global reputation, the Respondent likely knew of the Complainant's prior rights in the Complainant's trademarks before registering the disputed domain names and creating the websites which use the Complainant's trademarks. It is clear this is the case from the content of the websites from which the disputed domain names direct and use of the Complainant's trademarks.

The Respondent has registered and used the disputed domain names with the intention of confusing Internet users into thinking they are being re-directed to the websites owned by the Complainant, or affiliated to the Complainant's business for the Respondent's own commercial gain. The Respondent not offered, on the websites from which the disputed domain names direct, any statement indicating the Respondent (and its websites from which the disputed domain names directs) lack affiliation with the Complainant or its 188BET trademarks.

## **B. Respondent**

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

## **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 names are 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 names; and
- (iii) the disputed domain names have been registered and are 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. Procedural Issue: Multiple Domain Names**

The Complaint relates to multiple domain names.

Paragraph 3(c) of the Rules states that "the complaint may relate to more than one domain name, provided that the domain names are registered by the same domain-name holder". Paragraph 10(e) of the Rules

gives the Panel discretion to decide a request by a party to consolidate multiple domain name disputes in accordance with the Policy and the Rules. Procedural efficiency also underpins panel consideration in respect of consolidation. See *Inter-Continental Hotels Corporation, Six Continents Hotels, Inc. v. Daniel Kirchof*, WIPO Case No. [D2009-1661](#) (complaint involving 1,542 domain names).

Having regard to all relevant circumstances, the Panel concludes that the consolidation of the multiple domain name disputes asserted by the Complainant against the Respondent – who it is noted has not appeared in the present proceeding to contest any of the claims (whether on substance or procedure) made against the Respondent – is consistent with the Policy and Rules.

### **B. Identical or Confusingly Similar**

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

The Complainant owns trademark registrations for 188BET.

All the disputed domain names include the Complainant's 188BET trademark plus a number from 1 to 31 not including 7.

Previous UDRP panels have consistently held that domain names are identical or confusingly similar to a trademark for purposes of the Policy when the domain names include the trademark. See, for example, *Consumer Reports, Inc. v. Wu Yan, Common Results, Inc.*, WIPO Case No. [D2017-0371](#); and *Captain Fin Co. LLC v. Private Registration, NameBrightPrivacy.com / Adam Grunweg*, WIPO Case No. [D2021-3279](#).

The Panel concludes that the disputed domain names are confusingly similar to the Complainant's 188BET trademark.

The Complainant succeeds on the first element of the Policy.

### **C. Rights or Legitimate Interests**

The second requirement the Complainant must prove is that the Respondent has no rights or legitimate interests in the disputed domain names.

Paragraph 4(c) of the Policy provides that the following circumstances can be situations in which the Respondent has rights or legitimate interests in a disputed domain name:

- (i) before any notice to [the Respondent] of the dispute, [the Respondent's] use of, or demonstrable preparations to use, the [disputed] domain name or a name corresponding to the [disputed] domain name in connection with a *bona fide* offering of goods or services; or
- (ii) [the Respondent] (as an individual, business, or other organization) has been commonly known by the [disputed] domain name, even if [the Respondent] has acquired no trademark or service mark rights; or
- (iii) [the Respondent] is making a legitimate noncommercial or fair use of the [disputed] domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue.

These are illustrative only and are not an exhaustive listing of the situations in which a respondent can show rights or legitimate interests in a domain name.

The onus of proving this requirement, like each element, falls on the Complainant.

Previous UDRP panels have recognized the difficulties inherent in proving a negative, however, especially in circumstances where much of the relevant information is in, or likely to be in, the possession of the respondent. Accordingly, it is sufficient for a complainant to raise a *prima facie* case against the respondent under this head and an evidential burden of production will shift to the respondent to rebut that *prima facie* case.

The Complainant asserts that the Respondent is neither a licensee of the Complainant nor does it have any connection or affiliation with the Complainant. The Complainant also asserts that the Respondent has no rights to use the Complainant's trademarks (or confusingly similar trademarks) in the disputed domain names, and has not received any consent, express or implied, to do so. The Complainant states that the Respondent does not, to the best of the Complainant's knowledge after a reasonable search of relevant registers, own any registered rights that are identical or confusingly similar to the Complainant's trademarks. The Complainant also asserts that the Respondent's use of the disputed domain names is not *bona fide* because the disputed domain names redirect to websites featuring the Complainant trademarks and masquerades as being the Complainant or connected, affiliated or endorsed by the Complainant.

The Complainant has rights in its trademark which precedes the Respondent's registration of the disputed domain names.

There is no evidence that the Respondent is commonly known by the disputed domain names or that the disputed domain names have been used in any legitimate way – to the contrary they are used for providing gambling and gaming services that are similar to those of the Complainant.

The Complainant has established a *prima facie* case that the Respondent does not have any rights or legitimate interests in the disputed domain names and thereby the burden of production shifts to the Respondent to produce evidence demonstrating rights or legitimate interests in respect of the disputed domain names.

The Panel finds that the Respondent has failed to produce any evidence to establish his rights or legitimate interests in the disputed domain names.

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

#### **D. 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 names in bad faith.

The Panel is of the view that the Respondent was aware of the Complainant and the Complainant's trademark when the disputed domain names were registered. Registering the disputed domain names which include the Complainant's trademark and domain name with the addition of a number at the end of the disputed domain names, and then using the disputed domain names to resolve to a website that includes the Complainant's logo and appears to offer similar services to that of the Complainant, demonstrates that the Respondent was aware of the Complainant and the Complainant's trademark. This evidence demonstrates bad faith registration and bad faith use of the disputed domain names.

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

The current inactive status of the disputed domain names does not prevent a finding of bad faith, given the Respondent's failure to participate in this proceeding and the lack of any credible good-faith explanation to which the disputed domain names could be put.

The Complainant succeeds on the third element 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, <188bet1.co>, <188bet2.co>, <188bet3.co>, <188bet4.co>, <188bet5.co>, <188bet6.co>, <188bet8.co>, <188bet9.co>, <188bet10.co>, <188bet11.co>, <188bet12.co>, <188bet13.co>, <188bet14.co>, <188bet15.co>, <188bet16.co>, <188bet17.co>, <188bet18.co>, <188bet19.co>, <188bet20.co>, <188bet21.co>, <188bet22.co>, <188bet23.co>, <188bet24.co>, <188bet25.co>, <188bet26.co>, <188bet27.co>, <188bet28.co>, <188bet29.co>, <188bet30.co>, and <188bet31.co>, be transferred to the Complainant.

*/John Swinson/*

**John Swinson**

Sole Panelist

Date: September 15, 2022