

## **ADMINISTRATIVE PANEL DECISION**

Navasard Limited v. Alveni  
Case No. D2024-5250

### **1. The Parties**

The Complainant is Navasard Limited, Cyprus, represented by Pavlo Korchemliuk, Cyprus.

The Respondent is Alveni, United States of America (“United States”).

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

The disputed domain name <1xperience.com> (the “Domain Name”) is registered with eNom, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 20, 2024. On December 20, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On December 20, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Redacted for Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on December 23, 2024, 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 December 30, 2024.

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 January 6, 2025. In accordance with the Rules, paragraph 5, the due date for Response was January 26, 2025. The Response was filed with the Center on January 9, 2025.

The Center appointed Ian Lowe as the sole panelist in this matter on January 20, 2025. 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 registered in Cyprus providing online betting services, licensed in Curaçao, Netherlands (Kingdom of the). It operates at a number of websites including “www.1xbet.com”, but these are not accessible from the United States, the United Kingdom, or from a number of other jurisdictions. The Complainant states that it began offering its services online from September 2006, but was incorporated in 2015.

The Complainant is the registered proprietor of the following European Union trademarks: number 013914254 1XBET logo registered on July 27, 2015; number 014227681 1XBET wordmark registered on September 21, 2015; and number 018669987 1X logo registered on June 22, 2022.

The Domain Name was registered on July 23, 2018. It resolves to a website at “www.1experience.com” purportedly offering “Luxury tailor-made VIP experiences for unique people”. An Internet search discloses that the Respondent operates a website at “www.alveni.com” which states that it was founded in 2003 and that “Our company focuses on self-service, interactive kiosks & digital signage solutions”.

#### **5. Parties’ Contentions**

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

The Complainant contends that the Domain Name is confusingly similar to its 1XBET and 1X trademarks, that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith.

Notably, the Complainant contends that the Domain Name incorporates the “1X” prefix which is a key component of its trademarks and the most widely recognized element of its business, and that the similarity between the Domain Name and its trademarks is sufficient enough to cause confusion amongst consumers. It complains that the use of “1X” directly infringes on its registered trademarks.

According to the Complainant, the Respondent is not making any noncommercial or fair use of the Domain Name. Rather, “the Respondent is potentially illegally using the Disputed Domain for purposes of potentially re-selling the Disputed Domain at a profit by taking advantage of the confusing similarity of the Disputed Domain name with the popular sports betting trademark held by the Complainant”.

So far as bad faith is concerned, the Complainant relies on the fact that previous panels have found that “the apparent lack of so-called active use (e.g., to resolve to a website) of the domain name or without any active attempt to sell or to contact the trademark holder (passive holding), does not as such prevent a finding of bad faith”.

##### **B. Respondent**

The Respondent contends that the Complainant has not satisfied the elements required under the Policy for a transfer of the Domain Name.

The Respondent claims that at the time of registration of the Domain Name the only trademark related to the 1XBET brand was registered in the United Kingdom and that at the time of filing the Response, 1X is not registered by the Complainant in the United States.

The Respondent states that the Domain Name was established in 2018, and that it specializes in tailor-made VIP experiences for small groups of people who value luxury, top quality, personalized service. It has no association with online casinos, gambling or betting. The Respondent draws the distinction between the letter “x” in the Domain Name being integrated as part of the word “experience” to form the cohesive brand name “1xperience” in combination with the number “1”, whereas in the Complainant’s name “1x” is not part of a word, but rather an entirely independent element within the name “1xbet”.

The Respondent denies that the Domain Name was registered in bad faith. It denies that it had any knowledge of the online gambling business operated by the Complainant from Cyprus at the time of registration of the Domain Name, and points out that attempting to access “www.1xbet.com” from the United States is blocked.

The Respondent asserts that it does not attempt to impersonate or mislead customers into associating with 1XBET or any other brand and that the “1X” element is generic. Furthermore, the Domain Name is not being used to redirect traffic to websites related to gambling or casinos but exclusively supports its business activities which are entirely unrelated to the Complainant’s services.

The Respondent finally submits that the actions of the Complainant, in attempting to challenge any company that incorporates “1X” in their name, logo, or mark across any industry worldwide, appear to constitute an abuse of intellectual property rights.

## **6. Discussion and Findings**

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the 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 Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

### **A. Identical or Confusingly Similar**

It is well accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the Complainant’s trademark and the disputed domain name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ([“WIPO Overview 3.0”](#)), section 1.7.

The issue of confusing similarity is finely balanced. The Complainant has shown rights in the trademarks 1XBET and 1X. In both cases, the distinctive element is “1X”. However, from a semantic point of view, the Domain Name is likely to be read by users as “one experience” and not therefore obviously confused with “1X”. On the other hand, the “1X” element is present at the beginning of the Domain Name.

The Panel recognizes that the entirety of the Complainant’s 1X mark is reproduced within the Domain Name, and that the first element is typically regarded as being a relatively low threshold test. For the purpose of considering standing, therefore, the Panel accepts, on balance, that the Domain Name is confusingly similar to a trademark in which the Complainant has rights, and that the first element of the Policy has been established. (Here, it is noted that this is not to be confused with a “likelihood of confusion” that is discussed below.)

### **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which the Respondent may demonstrate rights or legitimate interests in a disputed domain name.

Although the overall burden of proof in UDRP 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. Where, therefore, 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. [WIPO Overview 3.0](#), section 2.1.

Surprisingly, in its submission as to the second element, the Complainant makes no mention of the “www.1xperience.com” website to which the Domain Name resolves. A search of the Wayback Machine at “https://web.archive.org/”<sup>1</sup> reveals that a website substantially the same as that currently available at the Domain Name has been online since at least August 2018. Then, as now, the website features the following logo in the banner of the web pages:



The Panel notes a number of features. The About Us webpage of the “www.1xperience.com” website does not give any information as to the operator of the website, but merely recites the nature of the experiences purportedly being offered. The Contact Us page merely includes a contact form. Nowhere else on the website, including the Privacy Policy, is any information provided as to the operator. The current website also lacks any detail of the “Experiences” on offer, or when or where. It is also difficult to see any obvious association between the products and services provided by the Respondent and those alluded to at “www.1xperience.com”. It appears, however, that the prominence of the number “1” in the Respondent’s logo is a reference to experiencing driving a motor car on a Formula 1 racing circuit or attending a Formula 1 race.

Although the Panel has some doubts as to how active is the 1XPERIENCE business of the Respondent, the Complainant has failed to establish even a prima facie case that the Respondent lacks any rights or legitimate interests in the Domain Name, and not addressed any case it might have arising from the nature of the “www.1xperience.com” website.

In the circumstances, in the absence of any challenge by the Complainant, the Panel finds that, before notice to the Respondent of the dispute, the Respondent used or made demonstrable preparations to use the Domain Name in connection with a bona fide offering of goods or services. [WIPO Overview 3.0](#), section 2.2.

The Panel finds the second element of the Policy has not been established.

### **C. Registered and Used in Bad Faith**

Although, accordingly, it is not strictly necessary to do so, the Panel will go on to consider the third element in light of its findings below.

Given the active website at the Domain Name, which as indicated above appears to have been available since at least August 2018, it is incomprehensible that the Complainant has simply relied on the non-use of the Domain Name.

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<sup>1</sup> Noting the general powers of a panel articulated inter alia in paragraphs 10 and 12 of the UDRP Rules, panels may undertake limited factual research into matters of public record if they would consider such information useful to assessing the case merits and reaching a decision. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([WIPO Overview 3.0](#)), section 4.8.

So far as registration in bad faith is concerned, the Complainant has failed to establish that the Respondent must have had the Complainant and its rights in the 1XBET and 1X marks in mind when it registered the Domain Name. There has been no evidence that its business would have been well-known in the United States in 2018 and, in any event, because of regulatory restrictions, access to the Complainant's websites from the United States is blocked. It has not therefore been established that the Respondent registered the Domain Name in bad faith.

Turning to bad faith use, it is obvious that the Complainant cannot simply rely on passive use since there has been active use. Not only that, but the Complainant misconstrues the nature of the passive holding doctrine far too broadly – mere non-use is not enough; there must be some notion of an evocation of the complainant's mark which is not the case here given the pronunciation and use of the "one experience" moniker.

In relation to use, although the website at the Domain Name does not indicate bustling activity of a genuine business, there is no evidence of the Respondent in any way taking unfair advantage of the Complainant's rights in its trademarks or confusing Internet users into believing that the Domain Name is operated by or authorised by the Complainant. It appears to the Panel to be inconceivable that Internet users looking for the Complainant's online gambling sites would enter the search term "1xperience", and highly unlikely that any user searching for 1XBET (whether using the search term "1x" or "1xbet") would expect "www.1xperience.com" to have any connection with 1XBET if it did appear in the search results.

The Panel finds the third element of the Policy has not been established.

#### **D. Reverse Domain Name Hijacking**

Paragraph 15(e) of the Rules provides that, if after considering the submissions, the Panel finds that the Complaint was brought in bad faith, for example in an attempt at Reverse Domain Name Hijacking or to harass the domain-name holder, the Panel shall declare in its decision that the Complaint was brought in bad faith and constitutes an abuse of the administrative proceeding. The mere lack of success of the complaint is not, on its own, sufficient to constitute reverse domain name hijacking. [WIPO Overview 3.0](#), section 4.16.

The Panel recognizes that the Complainant is unrepresented, but it is an online gambling business that is bound to have careful regard to Internet related procedural and regulatory issues. The Panel also notes that it has been filing a substantial number of UDRP complaints and is therefore familiar with the procedure. The Complaint is sparse and inexplicably makes no reference to the website that has been operated by the Respondent for at least six years, on the face of it at least offering bona fide services. Furthermore, when notified of the identity of the Respondent in the United States it made no attempt substantively to amend the Complaint or to address issues around the non-availability of the Complainant's online betting services in the United States.

Accordingly, the Panel finds that the Complaint had no real prospects of success, that the Complaint was brought in bad faith, and that it constitutes an abuse of the administrative proceeding.

#### **7. Decision**

For the foregoing reasons, the Complaint is denied. Moreover, the Panel finds that the Complaint has been brought in bad faith and constitutes an attempt at Reverse Domain Name Hijacking.

*/Ian Lowe/*

**Ian Lowe**

Sole Panelist

Date: February 3, 2025