

ADMINISTRATIVE PANEL DECISION

Dream Sports Inc., and Sporta Technologies Private Limited v. Domains By Proxy, LLC / Bi Hu

Case No. D2022-2212

1. The Parties

The Complainants are Dream Sports Inc., United States of America (“United States”), and Sporta Technologies Private Limited, India, represented by Fidus Law Chambers, India.

The Respondent is Domains By Proxy, LLC, United States / Bi Hu, China.

2. The Domain Name and Registrar

The disputed domain name <dream11.vip> is registered with Blue Razor Domains, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 17, 2022. On June 17, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 22, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on June 27, 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 June 28, 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 July 6, 2022. In accordance with the Rules, paragraph 5, the due date for Response was July 26, 2022. The Respondent did not submit any Response. Accordingly, the Center notified the Respondent’s default on August 15, 2022.

The Center appointed Benoit Van Asbroeck as the sole panelist in this matter on August 22, 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 Complainants consist of Dream Sports Inc. and its purported subsidiary Sporta Technologies Private Limited. They provide an online and app-based fantasy sports platform called “Dream11” containing several online fantasy sport leagues. “Dream11” is the official fantasy sports partner of numerous national and international sports organizations.

Dream Sports Inc. holds the following trademark registrations (ordered chronologically):

India Trademark No. 4301489 for DREAM11 (figurative), registered on September 23, 2019 in Classes 18, 25, 38 and 45.

India Trademark No. 4863621 for DREAM11, registered on September 25, 2019 in Classes 9, 16, 18, 28, 35, 38, 42, and 45.

Sporta Technologies Private Limited holds the following trademark registrations (ordered chronologically):

India Trademark No. 3660715 for DREAM 11 (figurative), registered on October 21, 2017 in Classes 9, 16, 35, 41, and 42.

India Trademark No. 3660851 for DREAM 11 (figurative), registered on October 22, 2017 in Classes 9, 16, 35, 41, and 42.

India Trademark No. 3802185 for D DREAM 11 (figurative), registered on April 11, 2018 in Classes 9, 16, 35, 41, and 42

India Trademark No. 3802186 for DREAM11 (figurative), registered on April 11, 2018 in Classes 9, 16, 35, 41, and 42.

India Trademark No. 3847330 for DREAM11 CHAMPIONS, registered on May 30, 2018 in Classes 16 and 41.

The Complainants have also registered the domain names <dream11.com> and <dream11.in> on March 17, and June 26, 2008 respectively and own accounts on various social media platforms.

The Respondent appears to be an individual residing in Jilin, China, based on the information disclosed by the Registrar. The disputed domain name was registered on January 13, 2022, well after the Complainants secured rights to the above trademarks. At the date of the Complaint, the disputed domain name resolved to a website offering sports betting using a logo containing the word “Dream11”. The website seemingly targets an Indian audience since it was offered bilingual in English and Hindi. At the date of this Decision, the disputed domain name no longer resolves to this website but instead resolves to a web page showing a login screen in English, Vietnamese and Chinese for “Sbobets”.

5. Parties’ Contentions

A. Complainants

As a preliminary point, the Complainants note that previous UDRP Panels have decided that a complaint can be filed by more than one complainant and claim that they should be allowed to do so here given that they

have a “common grievance” against the Respondent. They rely on the Principles of Consolidation laid down in the auDRP Panel Decision in *National Dial A Word Registry Pty Ltd and others v. 1300 Directory Pty Ltd*, WIPO Case No. [DAU2008-0021](#) and, subsequently, the UDRP Panel Decision in *Fulham Football Club (1987) Limited, Tottenham Hotspur Public Limited, West Ham United Football Club PLC, Manchester United Limited, The Liverpool Football Club v. Domains by Proxy, Inc./ Official Tickets Ltd*, WIPO Case No. [D2009-0331](#).

Furthermore, the Complainants assert that each of the three elements specified in paragraph 4(a) of the Policy are present. The three elements being: (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have 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 Complainants’ contentions are summarized below.

(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have rights.

The Complainants contend that the disputed domain name subsumes its abovementioned trademarks. Furthermore, the gTLD “.vip” does not grant the disputed domain name distinctiveness when comparing it to the Complainants’ prior and registered trademarks.

(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name.

The Complainants claim that the disputed domain name has not been used in connection with *bona fide* offering of goods or services by the Respondent. The disputed domain name has instead been used for offering online sports betting services which is illegal in India. Furthermore, the Respondent is using the disputed domain name under the Complainants’ abovementioned trademarks, misleading consumers into believing that the disputed domain name is in some manner affiliated to the Complainants. Moreover, the wrongful and misleading services offered on the website that the disputed domain name resolves to demonstrates the Respondent’s intention of commercial use of the disputed domain name to have unlawful gains and that the Respondent is not commonly known by the disputed domain name. Finally, the Complainants have not authorized, licensed, or permitted the Respondent to register or use the disputed domain name.

(iii) the disputed domain name has been registered and is being used in bad faith.

The Complainants contend that the disputed domain name has been registered and is being used for online sports betting, which is an illegal activity in India. Wrongful association of the Complainants with the disputed domain name would tarnish their reputation. Furthermore, the disputed domain name and the website it resolves to infringe the Complainants’ abovementioned trademarks. Both the disputed domain name and the website it resolves to contain the Complainants’ abovementioned trademarks. The Respondent is using a “Dream11” logo on all pages of the website. Finally, the Respondent had registered the disputed domain name for the sole purpose of using the website to mislead the consumers. By doing so, the Respondent has intentionally attempted to create a likelihood of confusion with the Complainants’ trademarks as to the source, sponsorship, affiliation or endorsement of the disputed domain name. There is great likelihood that actual or potential visitors to the present website of the Respondent will be induced to believe that the Complainants have licensed their “Dream11” trademark/trade name/trading style to the Respondent or authorized the Respondent to register the disputed domain name or indeed believe that the Respondent has some connection with the Complainants in terms of a direct nexus or affiliation with the Complainants.

B. Respondent

The Respondent did not reply to the Complainants’ contentions.

6. Discussion and Findings

6.1 Preliminary Issues

The Panel finds that it has jurisdiction to hear this dispute as the Policy has been incorporated by reference into the registration agreement between the Registrar and the Respondent.

The Panel notes that while the Respondent has been duly notified, he did not reply to the Complainants' contentions within the time period established by the Rules. Pursuant to paragraph 14 of the Rules the Panel shall nonetheless proceed to a decision on the Complainants' complaint and it may draw such inferences from the Respondent's failure to respond as it considers appropriate.

The Panel notes that the Complaint has been filed by two Complainants who have submitted a request for consolidation of their respective complaints. The Panel will allow this as it is satisfied that both Complainants own registered trademark rights to DREAM11 and that they have a "common grievance" against the Respondent.

6.2 Main Issues

Paragraph 4(a) of the Policy requires that in order for its complaint to succeed, the Complainants must prove that the following three elements are present:

- (i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainants have 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 above three elements will each be discussed in further detail below.

A. Identical or Confusingly Similar

The Complainants are required to establish: (1) that they own rights in a trademark or service mark, and, if so, (2) that the disputed domain name is identical or confusingly similar to their trademarks.

Firstly, the Panel finds that the Complainants have clearly evidenced that they both own registered trademark rights to DREAM11. Sporta Technologies Private Limited also holds trademark rights in DREAM 11, D DREAM 11, and DREAM11 CHAMPIONS. All trademark registrations are considered sufficient to support standing under the UDRP. This includes the figurative trademarks since the dominant portions of these trademarks are the words DREAM11, DREAM 11, D DREAM 11, and DREAM11 CHAMPIONS. Finally, it should be noted that paragraph 4(a)(i) of the Policy does not set minimum requirements as to the jurisdictions of the trademarks a complainant relies on, nor as to the number, nature or scope of protection of such trademarks.

Secondly, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademarks since the disputed domain name incorporates the entirety of the DREAM11 and DREAM 11 trademarks of the Complainants (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)"), section 1.7 as well as, *L'Oréal, Lancôme Parfums et Beauté & Cie v. Jack Yang*, WIPO Case No. [D2011-1627](#), *Rapidshare AG, Christian Schmid v. InvisibleRegistration.com, Domain Admin*, WIPO Case No. [D2010-1059](#), and *The Stanley Works and Stanley Logistics, Inc. v. Camp Creek Co., Inc.*, WIPO Case No. [D2000-0113](#)).

Finally, as for the applicable Top-Level Domain, *i.e.*, “.vip”, the Panel holds that this can be disregarded under the first element confusing similarity test (*CANAL + FRANCE v. Franck Letourneau*, WIPO Case No. [DTV2010-0012](#); *Bentley Motors Limited v. Domain Admin / Kyle Rocheleau, Privacy Hero Inc.*, WIPO Case No. [D2014-1919](#); *SAP SE v. Mohammed Aziz Sheikh, Sapteq Global Consulting Services*, WIPO Case No. [D2015-0565](#)).

On the basis of the foregoing findings, and according to paragraph 4(a)(i) of the Policy, this Panel finds and concludes that the disputed domain name is confusingly similar to the Complainants’ trademarks.

B. Rights or Legitimate Interests

Paragraph 4(c) of the Policy non-exhaustively lists three circumstances that shall demonstrate a right or legitimate interest:

“Any of the following circumstances, in particular but without limitation, if found by the Panel to be proved based on its evaluation of all evidence presented, shall demonstrate your rights or legitimate interests to the domain name for purposes of Paragraph 4(a)(ii):

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

It is a well-established view of UDRP panels, with which the Panel agrees, that a *prima facie* case advanced by a complainant is generally sufficient to satisfy the requirements under paragraph 4(a)(ii) of the Policy, provided that a respondent does not submit any evidence to the contrary (*AGUAS DE CABREIROA, S.A.U. v. Hello Domain*, WIPO Case No. [D2014-2087](#); *Spigen Korea Co., Ltd., Spigen Inc. v. Domain Admin, Whois Privacy Corp.*, WIPO Case No. [D2016-0145](#); *HubSpot, Inc. v. WhoisGuard Protected, WhoisGuard, Inc. / Steve Johnson*, WIPO Case No. [D2016-1338](#)).

The Panel notes that the Respondent has not responded to any of the Complainants’ contentions, let alone submitted evidence to the contrary, and that, pursuant to paragraph 14 of the Rules, the Panel may draw such inferences from the Respondent’s failure to respond as it considers appropriate. In the present case, taking into consideration the Respondent’s default, this Panel finds that the Complainants have made out an unrebutted *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name, in view of the circumstances of this case, including the following factors.

The Panel concludes that there is no evidence that the Respondent is using the disputed domain name for a *bona fide* offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name. The Complainants has shown that the disputed domain name used to resolve to a website that offered online sports betting services to consumers in India, where such services are illegal. The fact that, when the Panel visited the disputed domain name on September 1, 2022, it no longer resolved to this website does not change this. The webpage that the disputed domain name now resolves to shows a login screen for what appears to be another sports betting service, using a “SBOBETS” logo, with the apparent aim to create a likelihood of confusion with the online bookmaker Sbobet. Consequently, there still appears to be no apparent *bona fide* offering of goods or services or a legitimate noncommercial or fair use of the disputed domain name. The Respondent has not offered any evidence to rebut this conclusion.

Moreover, as the Complainants have demonstrated, the Respondent previously used the disputed domain name to falsely suggest affiliation with the Complainant. The disputed domain name incorporates the

Complainants' DREAM11 trademarks in their entirety and the website it previously resolved to used a "Dream11" logo on its homepage and About page. On the About page it was stated that the website belongs to "Dream11", which is described as "the first sports investment company in Europe at present". The combination of these elements may indeed have led consumers to be confused about the source of the website and to wrongly believe that the website is in some manner affiliated with the Complainants. Based on the evidence provided, it is also plausible that the website was primarily intended for commercial gain. As is clear from sections 2.2 and 2.5 of the [WIPO Overview 3.0](#), UDRP panels have consistently found that such use of a domain name can neither be considered fair use of the domain name nor a *bona fide* offering of goods or services.

In addition, no evidence has been provided to prove that the Respondent has a connection or affiliation with the Complainants or has received any license or consent, whether express or implied, to use the Complainants' trademarks in a domain name or in any other manner. The Panel has taken note of the Complainants' confirmation in this regard and has not seen any evidence that would suggest the contrary. In the absence of any license or permission from the Complainants to use their trademarks, no actual or contemplated *bona fide* or legitimate use of the disputed domain name could reasonably be claimed (see e.g. *Sportswear Company S.P.A. v. Tang Hong* WIPO Case No. [D2014-1875](#); *LEGO Juris A/S v. DomainPark Ltd, David Smith, Above.com Domain Privacy, Transure Enterprise Ltd, Host master*, WIPO Case No. [D2010-0138](#)).

Finally, the Panel agrees with the Complainants that there is no evidence that the Respondent has been commonly known by the disputed domain name.

For all the foregoing reasons, the Panel finds that the Respondent has no rights or legitimate interests in respect of the disputed domain name.

C. Registered and Used in Bad Faith

Paragraph 4(b) of the Policy non-exhaustively lists four circumstances that, if found by the Panel to be present, shall be evidence of the registration and use of the domain name in bad faith:

"(i) circumstances indicating that you have registered or you have acquired the domain name primarily for the purpose of selling, renting, or otherwise transferring the domain name registration to the complainant who is the owner of the trademark or service mark or to a competitor of that complainant, for valuable consideration in excess of your documented out-of-pocket costs directly related to the domain name; or

(ii) you have registered the domain name in order to prevent the owner of the trademark or service mark from reflecting the mark in a corresponding domain name, provided that you have engaged in a pattern of such conduct; or

(iii) you have registered the domain name primarily for the purpose of disrupting the business of a competitor; or

(iv) by using the domain name, you have intentionally attempted to attract, for commercial gain, Internet users to your web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of your web site or location or of a product or service on your web site or location."

The Panel finds that the circumstances and evidence presented by the Complainant offer sufficient proof that both the Respondent's registration and current use of the disputed domain name are in bad faith.

The Panel will first discuss the Respondent's registration of the disputed domain name. The Panel believes that the Respondent knew or, at least, should have known at the time of registration that the disputed domain name incorporated the Complainants' DREAM11 trademarks. The Panel is convinced by the evidence presented that the DREAM11 trademarks were registered well before the registration date of the

disputed domain name and that the Complainants and these trademarks are widely known in India. The Respondent's knowledge of the Complainants' trademarks may already be inferred from these circumstances (*SembCorp Industries Limited v. Hu Huan Xin*, WIPO Case No. [D2001-1092](#), and *American Funds Distributors, Inc. v. Domain Administration Limited*, WIPO Case No. [D2007-0950](#)). Moreover, UDRP panels have consistently found that the mere registration of a domain name that is identical or confusingly similar to a famous or widely-known trademark by an unaffiliated entity can by itself create a presumption of bad faith (see [WIPO Overview 3.0](#), section 3.1.4).

The Panel finds that the use of the disputed domain name subsequent to registration only serves as further (unrebutted) evidence that the Respondent knew about the Complainants and its DREAM11 trademarks at the time of registration of the disputed domain name. As mentioned above, the Complainants presented evidence that the disputed domain name previously resolved to a website that used a "Dream11" logo on its homepage and About page. In addition, on the About page it was stated that the website belongs to "Dream11".

Finally, the Panel believes that the Complainant has also convincingly demonstrated that the disputed domain name has been used in bad faith, namely to attract, for commercial gain, Internet users to the Respondent's website by creating a likelihood of confusion with the Complainants' DREAM11 trademarks as to the source, sponsorship, affiliation, or endorsement of this website (paragraph 4(b)(iv) of the Policy). The fact that the disputed domain name no longer resolves to the website that uses a "Dream11" logo and states that it belongs to "Dream11" does not change this. As discussed above under the second UDRP element, the illegitimate activity continues and the use of a domain name for per se illegitimate activity can never confer rights or legitimate interests on a respondent. It is also a well-established view of UDRP panels, with which this Panel agrees, that such illegitimate activity is manifestly considered evidence of bad faith (see [WIPO Overview 3.0](#), sections 2.13.1 and 3.1.4).

In light of the above, this Panel finds that the disputed domain name was registered and is being used by the Respondent in bad faith under 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 name, <dream11.vip> be transferred to the Complainant No. 2, Sporta Technologies Private Limited.

/Benoit Van Asbroeck/

Benoit Van Asbroeck

Sole Panelist

Date: September 5, 2022