

ADMINISTRATIVE PANEL DECISION

Cube Limited v. Chongqing Huang, Xinping Wang, Xuewei Wang, Fuda Ou, JUN KIT CHONG, fangqiuliang, wukong, 叶崇崇, guang li, jay, 欧富大
Case No. D2022-5023

1. The Parties

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

The Respondents are Chongqing Huang, China, Xinping Wang, China, Xuewei Wang, China, Fuda Ou, China, JUN KIT CHONG, Philippines, fangqiuliang, China, wukong, Philippines, 叶崇崇, China, guang li, China, jay, Philippines, and 欧富大, China.

2. The Domain Names and Registrars

The disputed domain name <1889371.com> is registered with GoDaddy.com, LLC.

The disputed domain names <1882101.com>, <1882103.com>, <1882104.com>, <1882105.com>, <1882106.com>, <1882107.com>, <1882108.com>, and <1882109.com> are registered with NameCheap, Inc..

The disputed domain names <1887bet.com>, <188948.com>, <188cc.com>, <188detc.com>, <188jinbaobovip.com>, <188vv.net>, <jbb38.com>, <jbb39.com>, <jbb87.xyz>, <jbb98.com>, <1881506.com>, <1881507.com>, <1881508.com>, <188188000.com>, <188570.net>, <188690.net>, <188008.link>, <1881501.com>, <1881509.com>, <188jinbaobo.co>, <188lives.com>, <188wap.net>, <188yazhou.com>, <188aa.com>, <188app.cc>, <1881502.com>, <1881503.com>, <1881504.com>, <188008.com>, and <188game.com> are registered with NameSilo, LLC.

The disputed domain names <188jinbaobo.com>, <18800.com>, <18800c.com>, <1881402.com>, <18818851.com>, <1881304.com>, <18800l.com>, <18818844.com>, <1881403.com>, <188new.com>, <188008.ag>, <1881306.com>, <18800u.com>, <188yazhou.net>, <188008kf.com>, <1881208.com>, <1881305.com>, <1881205.com>, <18800j.com>, <18818811.com>, <18818841.com>, <188903.com>, <188003.ag>, <1881302.com>, <1881206.com>, <18800b.com>, <1881401.com>, <1881400.com>, <188hh.com>, <1881303.com>, <1881409.com>, <188147.com>, <1881203.com>, <18800h.com>, <188app.com>, <1881202.com>, <1881309.com>, <1881406.com>, <188002.ag>, <188lives.net>, <1881204.com>, <jbb222.net>, <18818821.com>, <1881407.com>, <18818899.com>, <1881307.com>, <1881404.com>, <18800e.com>, <18800y.com>, <188001.ag>, <188008xz.com>, <1881209.com>, <18800n.com>, <18818831.com>, <1881308.com>, <18818801.com>, <188428.com>, <18800g.com>, <1881201.com>, <18800f.com>, <1881405.com>, <188007.ag>, <188004.ag>, <1881884.vip>,

<18800x.com>, <02918800.com>, <043118800.com>, <02318800.com>, <037118800.com>, <073118800.com>, <077118800.com>, <02018800.com>, <051218800.com>, <045118800.com>, <085118800.com>, <02118800.com>, <02418800.com>, <053118800.com>, <079118800.com>, <047118800.com>, <055118800.com>, <087118800.com>, <095118800.com>, <01018800.com>, <057118800.com>, <031118800.com>, <093118800.com>, <089118800.com>, <02818800.com>, <059118800.com>, <097118800.com>, <02718800.com>, <041118800.com>, <099118800.com>, <02218800.com>, <035118800.com>, <1881020.com>, <1881050.com>, <1880200.com>, <1882080.com>, <1881090.com>, <1882030.com>, <1881060.com>, <1882060.com>, <1882090.com>, <1881030.com>, <1881040.com>, <1881070.com>, <1882040.com>, <1882050.com>, <18800234.com>, <m188bet.net>, <c18800.com>, <18800678.com>, <188wanjia.net>, <188bett.cc>, <e18800.com>, <188information.cc>, <d18800.com>, <18800567.com>, <18800345.com>, <18800aaa.com>, <188betm.cc>, <188beta.cc>, <b18800.com>, <18800123.com>, <18800bbb.com>, <m188bet.cc>, <18800456.com>, and <18800789.com> are registered with Dynadot, LLC.

(GoDaddy.com, LLC, NameCheap, Inc., NameSilo, LLC, and Dynadot, LLC are each a “Registrar” and collectively the “Registrars”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on December 28, 2022. On December 29, 2022, the Center transmitted by email to the Registrars a request for registrar verification in connection with the disputed domain names. On December 29, 2022 and December 30, 2022, 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 (Domain Administrator, See PrivacyGuardian.org, and Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 6, 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 January 11, 2023, requesting to add the disputed domain name <188007.ag> to the current proceedings. On January 12, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name <188007.ag>. On January 12, 2023, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

On January 16, 2023, the Complainant submitted a request to add the disputed domain names <188004.ag>, <1881884.vip>, and <18800x.com> to the current proceedings. On January 16, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names <188004.ag>, <1881884.vip>, and <18800x.com>. On January 17, 2023, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details. The Complainant filed a second amended Complaint on January 22, 2023.

The Center verified that the Complaint together with the amended Complaints 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 Respondents of the Complaint, and the proceedings commenced on January 23, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 12, 2023. The Respondents did not submit any response. Accordingly, the Center notified the Respondents’ default on February 13, 2023.

The Center appointed Andrea Mondini as the sole panelist in this matter on March 2, 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 operates its business from its website at “www.188bet.com” which provides a range of betting products and services. It also specializes in live and traditional casino entertainment services online. The Complainant has a significant global customer base. The majority of the Complainant’s customers are based in Asia, where, as the Complainant asserts, the Complainant’s trademarks and brand are recognized.

The Complainant owns the trademarks 188 and 188BET, which it has used in connection with its products and services since 2005, *i.e.* prior to the registration of any of the disputed domain names. It has obtained registrations for word marks and device marks containing these elements in many jurisdictions around the world, including registrations in the European Union (“EU”) for the word marks 188 and 188BET, which are subject to EU Registration Nos. EU008390379 and EU008425324, respectively (both registered March 22, 2010). The Complainant also owns the word mark JBB, which is subject to United Kingdom (“UK”) Registration No. UK00003421782 (registered on November 15, 2019).

The disputed domain names containing the Complainant’s trademark 188 were registered after the Complainant obtained its first registration for its trademarks 188 and 188BET in 2010, with the exception of the disputed domain name <18800.com>, which was registered on September 22, 2006. With respect to the five disputed domain names featuring the Complainant’s JBB trademark, the disputed domain names were registered in 2018 and 2016, as detailed further below in Section 6.2(C).

As of the date of the original Complaint, each of the disputed domain names either hosted or in some way linked to active betting and gaming websites operated by the Respondents. A number of the disputed domain names also host, resolve to or link to websites displaying the use of the Complainant’s trademarks and logos.

5. Parties’ Contentions

A. Complainant

The Complainant contends as follows:

The disputed domain names are confusingly similar to the trademarks 188, 188BET, JBB, and JBBBET in which the Complainant has rights, because they incorporate the respective trademarks in their entirety, and the addition of numbers, letters or words is not sufficient to avoid confusing similarity.

The JBB mark and the 188 mark are visually similar. The Complainant states that the mark 188BET when translated into traditional or simplified Chinese script characters, is “188金寶博” and/or “188金宝博”. This can be translated as “188Jīnbǎo bó” in words, or “188JBB” as an acronym.

The Respondents have no rights or legitimate interests in respect of the disputed domain names. The Complainant’s trademarks are associated with the Complainant, since they have been extensively used to identify the Complainant’s services for many years. The Respondents have not been licensed or otherwise authorized by the Complainant to use its trademarks and the Respondents have not used, or made demonstrable preparation to use, the disputed domain names in connection with a *bona fide* offering of goods and services. To the contrary, the Respondents seek to profit from the goodwill and renown of the Complainant by misleading Internet users looking for the Complainant’s site and directing them to the Respondents’ websites which offer competing sports betting and gaming sites, some of them copying the Complainant’s websites and featuring the Complainant’s trademarks.

The disputed domain names were registered and are being used in bad faith because it is obvious that the Respondents had knowledge of both the Complainant and its well known trademarks at the time they registered the disputed domain names since they used them to offer betting and gaming services and even copying the Complainant's website. All of the disputed domain names were registered after the Complainant's 188 and 188BET trademarks rose to prominence. A batch of disputed domain names was registered in 2016 and most of the disputed domain names have been registered since 2020. The use of privacy and proxy services to conceal the true identity of the operators of the Respondents' websites is also an indication of bad faith. The Respondents used the disputed domain names intentionally to attract, for commercial gain, Internet users to its websites offering gaming and betting services by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of its websites and services, which constitutes evidence of registration and use in bad faith.

B. Respondent

The Respondents did not file a Response.

6. Discussion and Findings

6.1. Consolidation

Eleven different Respondents each hold a portion of the set of disputed domain names. The Complainant requests that the Respondents should be consolidated into this one case because the standards set out in section 4.11.2 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)") are met, according to which one complainant may bring a single complaint against multiple respondents when the disputed domain names or websites to which they resolve are subject to common control, and the consolidation would be fair and equitable to all parties. The Complainant has put forth reasonable arguments supporting consolidation in this case, including the following:

- (i) The same email addresses are associated with different sets of Registrant details. For example, the same email address is associated with two different sets of Registrant details in China (together accounting for 91 of the disputed domain names);
- (ii) The same Registrant (or linked Registrants) used different postal addresses, whether or not within the same province or country, to disguise their activities, which is evidence of common control;
- (iii) Two Registrants were previously identified as registrants in the case of *Cube Limited v. Domain Administrator / Super Privacy Service LTD c/o Dynadot / xinpings wang / chongqing huang / lihong chen / ribiao xie*, WIPO Case No. [D2019-2901](#). In that case, the Panel consolidated the 496 domains into a single complaint and ordered the transfer of those domains;
- (iv) All the disputed domain names (even those appearing to be registered to multiple "unrelated" Registrants) share common links to root domains' identified via Reverse IP searches, and many of these "root" domains are specifically promoted via infringing content on sites resolving to these domain names;
- (v) Disputed domain names registered to different Registrants host the same infringing copycat content.

In the light of these circumstances, noting the infringing content common to the websites posted under the disputed domain names, and also the many common behaviors suggesting a large-scale effort to escape detection or liability, the Panel finds that there is common control and concludes that it is fair and equitable to all parties to have the disputed domain names dealt with under one Complaint.

The Panel therefore decides that all of the Respondents be consolidated in this case.

6.2 Substantive issues

According to paragraph 4(a) of the Policy, in order to succeed, a complainant must establish each of the following elements:

- (i) the disputed domain name is identical or confusingly similar to the 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.

A. Identical or Confusingly Similar

The Panel is satisfied that the Complainant owns trademark registrations for its 188, 188BET, JBB, and JBBBET trademark.

The Panel notes that each of the disputed domain names incorporates one of these trademarks in its entirety.

The incorporation of a trademark in its entirety is sufficient to establish that a domain name is identical or confusingly similar to the complainant's registered mark. See *Britannia Building Society v. Britannia Fraud Prevention*, WIPO Case No. [D2001-0505](#). While typically disregarded, the Panel finds that content of the websites associated with the disputed domain names, along with the pattern of registrations by the Respondents, confirms that the Respondents sought to target the Complainant through the disputed domain names. [WIPO Overview 3.0](#), sections 1.7 and 1.15.

None of the additional words or numbers found in any of these disputed domain names avoids the confusing similarity. The Complainant has thus established this first element under the Policy.

B. Rights or Legitimate Interests

The Complainant has *prima facie* shown that the Respondents lack rights or legitimate interests under the Policy. The following facts establish the Complainant's *prima facie* case:

- All but one of the disputed domain names point to websites purporting to be operated by the Complainant when in fact they are not;
- All but one of the websites use the Complainant's trademarks without permission;
- The disputed domain name <1889371.com> redirects to a third party website, offering competing services and featuring pop-up advertisements that includes the Complainant's trademark 188;
- The Respondents are neither licensees of the Complainant nor do they have any connection or affiliation with the Complainant for the use of its trademarks or logos;
- The Respondents have no rights to use the Complainant's trademarks (or confusingly similar trademarks) in the disputed domain names, and have not received any consent, express or implied, to do so;
- The Respondents do not own any registered rights that are identical or confusingly similar to the Complainant's trademarks;
- The Respondents are not providing their own *bona fide* goods or services under their own trademarks but rather they are seeking to confuse Internet users into thinking each website is owned by or affiliated with the

Complainant and hence are seeking to fraudulently trade off goodwill attaching to the Complainant's trademarks;

- The websites accessible at the disputed domain names do not direct Internet traffic to the Complainant's website, but seek advantage from the goodwill and reputation in the Complainant's trademarks for commercial gain by directing Internet users to pages for counterfeit services and competing services with those of the Complainant which have no affiliation, connection, sponsorship, approval, or association with it;

- The Respondents are not making a legitimate noncommercial or fair use of the disputed domain names, without intent for commercial gain, but are using the disputed domain names to deliberately mislead or divert Internet users from the Complainant's website, or to tarnish the Complainant's trademarks, brand and business; and

- The Respondents are not commonly known by the disputed domain names and the registration and use of the disputed domain names containing the Complainant's trademarks took place without the consent of the Complainant.

The Panel does not see any contrary evidence from the record. In the view of the Panel, the Complainant has succeeded in raising a *prima facie* case that the Respondents lack rights or legitimate interests in the disputed domain names. For its part, the Respondent failed to provide any explanations as to any rights or legitimate interests.

The Complainant has thus successfully established this second element under the Policy.

C. Registered and Used in Bad Faith

Most of the disputed domain names comprise the Complainant's trademark 188 in its entirety. The Complainant obtained its EU Registration No. EU008390379 for its trademark 188 on March 22, 2010. The record shows that (with the exception of the disputed domain name <18800.com> which was registered on September 22, 2006) the Respondents registered the disputed domain names comprising the trademark 188 after the Complainant obtained its first registration for this trademark in 2010. Moreover, the Complainant claims to have begun use of its trademark 188 in 2005, with the trademark 188 being used by the Complainant on the Internet as early as 2006.

Five of the disputed domain names incorporate the Complainant's trademark JBB. The record shows that the Respondents registered the disputed domain names <jbb38.com>, <jbb39.com>, <jbb87.xyz>, and <jbb98.com> in 2018 and the disputed domain name <jbb222.net> in 2016, *i.e.* before the Complainant obtained its trademark registrations in the UK for the marks JBB and JBBBET in 2019.

Where a respondent registers a domain name before the complainant's trademark rights accrue, UDRP panels will not normally find bad faith on the part of the respondent. [WIPO Overview 3.0](#), section 3.8.1.

The question is whether under the specific circumstances of this case these six disputed domain names which were registered before the Complainant obtained a registration for the respective trademark may nevertheless be subject to a finding of registration and use in bad faith. This issue has been addressed and decided in favor of the Complainant in the previous case *Cube Limited v. Domain Administrator / Super Privacy Service LTD c/o Dynadot / xinpings wang / chongqing huang / lihong chen / ribiao xie*, WIPO case No. [D2019-2901](#), which was based on circumstances highly comparable to those in the present case and where two of the respondents were the same as in the present case:

"The record shows that the Respondents registered the disputed domain names before the Complainant obtained its registrations (in the UK) for the marks JBB and JBBBET. Where a respondent registers a domain name before the complainant's trademark rights accrue, UDRP panels will not normally find bad faith on the part of the respondent. [WIPO Overview 3.0](#), section 3.8.1. Nothing in the record demonstrates the Complainant's use of either the JBB or JBBBET marks prior to registration of the disputed domain names.

So the finding of accrued trademark rights that support a conclusion of bad faith registration and use merits an explanation.

The circumstances of this case, in their entirety, demonstrate in a number of ways that the Respondents targeted the Complainant's products and services when they registered and used the disputed domain names in a manner that constitutes bad faith registration and use under the Policy. First, the content of all the websites at the disputed domain names is the same, and that content demonstrates an intentional, orchestrated effort to trade off the goodwill of the Complainant's marks for commercial purposes. Second, the Panel credits the Complainant's assertions that the Translated Marks – JBB and JBBBET – have taken on a reality tied to the phonetic pronunciation of “188金寶博” and/or “188金宝博”. One can reasonably look at (or say) “188Jīnbǎo bó” as pronounced and arrive at “188JBB” as an acronym. Third, it is clear that the Respondents had JBB and JBBBET as marks in mind when they registered the disputed domain names and used them to publish the same kind of content across all the disputed domain names. Such content bears on the Panel's assessment hereunder of the third UDRP element, namely, on whether there was an intent to create user confusion. See [WIPO Overview 3.0](#), section 1.15. Looking at the circumstances as a whole, the intent to create user confusion is clear.”

The Panel agrees with the above reasoning and thus concludes that under the circumstances of this case, the disputed domain name <18800.com> and the five disputed domain names incorporating the trademark JBB shall be subject to a finding of registration and use in bad faith although they were registered before the Complainant obtained a respective trademark registration.

The Panel considers that the Respondents' conduct in this case constitutes bad faith registration and use of the disputed domain names within the meaning of paragraph 4(a)(iii) of the Policy. The fact that all but one of the disputed domain names point to websites purporting to be operated by the Complainant, when in fact they are not, clearly shows that the Respondents were well aware of the Complainant and had the Complainant's marks in mind when registering the disputed domain names. While the remaining disputed domain name <1889371.com> may have redirected to an unconnected third party website, the evidence demonstrates that said disputed domain name was found via a reverse IP search of the <188jinbaobo.com> disputed domain name, illustrating its common connection to the Respondents and ultimately the underlying scheme of incorporating the Complainant's trademark into domain names for purposes of misleading unsuspecting Internet users to identical or competing services believing said services are in connection with the Complainant. The record convincingly demonstrates that the Respondents' primary motive in relation to the registration and use of the disputed domain names was to capitalize on or otherwise take advantage of the Complainant's trademark rights, through the creation of user confusion. Under the circumstances of the present case, the use of privacy and proxy services to conceal the true identity of the operators of the Respondents' websites is also an indication of bad faith. In view of all of the foregoing, the Panel concludes that the Respondents registered and are using the disputed domain names in bad faith under paragraph 4(b)(iv) of the Policy, to intentionally attract Internet users to their websites for commercial gain, by creating a likelihood of confusion with the Complainant's marks as to source, sponsorship or affiliation.

Accordingly, the Panel finds that the Complainant has satisfied the requirements of 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 <1889371.com>, <1882101.com>, <1882103.com>, <1882104.com>, <1882105.com>, <1882106.com>, <1882107.com>, <1882108.com>, <1882109.com>, <1887bet.com>, <188948.com>, <188cc.com>, <188detc.com>, <188jinbaobovip.com>, <188vv.net>, <jbb38.com>, <jbb39.com>, <jbb87.xyz>, <jbb98.com>, <1881506.com>, <1881507.com>, <1881508.com>, <188188000.com>, <188570.net>, <188690.net>, <188008.link>, <1881501.com>, <1881509.com>, <188jinbaobo.co>, <188lives.com>, <188wap.net>, <188yazhou.com>, <188aa.com>, <188app.cc>, <1881502.com>, <1881503.com>, <1881504.com>, <188008.com>, <188game.com>, <188jinbaobo.com>,

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/Andrea Mondini/

Andrea Mondini

Sole Panelist

Date: March 16, 2023