

ADMINISTRATIVE PANEL DECISION

Navasard Limited v. xue, yue lu qu yu hua 2 hao
Case No. D2023-0353

1. The Parties

The Complainant is Navasard Limited, Cyprus, internally represented.

The Respondent is xue, yue lu qu yu hua 2 hao, China.

2. The Domain Name and Registrar

The disputed domain name <xbet.promo> (the “Domain Name”) is registered with Sav.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 26, 2023. On January 26, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On January 26, 2023, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name, behind the privacy service. The Center sent an email communication to the Complainant on January 31, 2023 providing the registrant and contact information behind the privacy service disclosed by the Registrar, and inviting the Complainant to submit an amendment to the Complaint. The Complainant filed an amendment to the Complaint on February 2, 2023.

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 February 6, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 26, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 28, 2023.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on March 3, 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 to ensure compliance with the Rules, paragraph 7.

4. Factual Background

The Complainant is an online sports betting brands, particularly recognized in the eastern Europe. The Complainant has existed since March 9, 2015.

The Complainant owns trademark registrations for the sport betting brand 1XBET, such as European Union Intellectual Property Office (EUIPO) trademarks number 013914254 registered July 27, 2015, and number 014227681 registered September 21, 2015.

According to the Complainant, the Domain Name was registered on September 1, 2022. At the time of drafting the Decision, the Domain Name resolved to a parking webpage offering domain names for sale.

5. Parties' Contentions

A. Complainant

The Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name. Notably, the Complainant provides evidence of trademark registrations and contends that the Domain Name is identical to the Complainant's trademark 1XBET.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Name. The Complainant asserts that the Respondent does not intend to make any legitimate use of the Domain Name and there is no actual offering of goods and services. The Respondent is not making any commercial or fair use of the Domain Name.

The Complainant believes it is evident that the Respondent was fully aware of the fact that it incorporated a well-recognized and distinctive trademark in which the Respondent had no prior rights. The lack of active use of the Domain Name (passive holding), does not as such prevent a finding of bad faith.

B. Respondent

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

6. Discussion and Findings

A. Identical or Confusingly Similar

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 Complainant has established that it has rights in the trademark 1XBET. For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain; see [WIPO Overview 3.0](#), section 1.11.

The Panel finds that the Domain Name is identical to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

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.

While 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 often impossible task of “proving a negative”, requiring information that is often primarily within the knowledge or control of the respondent. As such, where 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. 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.

Based on the evidence, the Respondent is not affiliated or related to the Complainant in any way. There is no evidence that the Respondent has registered the Domain Name as a trademark or acquired trademark rights. There is no evidence of the Respondent’s 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. The Panel finds that the composition of the Domain Name, identical to the Complainant’s trademark, carries a high risk of implied affiliation with the Complainant.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Name in accordance with paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The Panel notes that for the purposes of paragraph 4(a)(iii) of the Policy, paragraph 4(b) of the Policy establishes circumstances, in particular but without limitation, that if found by the Panel to be present, shall be evidence of the registration and use of a domain name in bad faith.

The Panel finds it likely that the Respondent was aware of the fact that it incorporated a recognized trademark in which the Respondent had absolutely no prior rights. The Respondent has not offered any explanation to why it registered a Domain Name identical to the Complainant’s trademark. The record of this case does not entail any plausible legitimate reason for the Respondent to have registered the Domain Name without any association with or authorization from the Complainant. The Panel cannot conceive any good faith use by the Respondent of the Domain Name. If the linking to a parking page that sells domain names could be considered no active use, it does not prevent, under the circumstances of this case, a finding of bad faith, see [WIPO Overview 3.0](#), section 3.2 and the doctrine of passive holding.

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 Domain Name <1xbet.promo> be transferred to the Complainant.

/Mathias Lilleengen/

Mathias Lilleengen

Sole Panelist

Date: March 13, 2023