

## **ADMINISTRATIVE PANEL DECISION**

bet365 Group Limited v. BET makelove, makelove  
Case No. D2023-1654

### **1. The Parties**

The Complainant is bet365 Group Limited, United Kingdom (“UK”), represented by Mishcon de Reya, Solicitors, UK.

The Respondent is BET makelove, makelove, Philippines.

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

The disputed domain name <bet365kor.com> is registered with Wild West Domains, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 14, 2023. On April 17, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On April 17, 2023, 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 (Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on April 24, 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 April 24, 2023.

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 April 28, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 18, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on May 19, 2023.

The Center appointed Marilena Comanescu as the sole panelist in this matter on May 30, 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, founded in 2000, is the holding company for the “bet365” group of companies. Currently, the Complainant is one of the world’s biggest online betting and gaming business, having more than 6,000 employees, operating in around 140 different countries, being available in 21 languages to over 80 million customers.

The Complainant operates its business online via its website available at “www.bet365.com” registered in 2000 and on mobile applications.

The Complainant has significant presence in social media; its website is listed in various rankings as one of the most visited websites; has invested significant amounts in advertising, such as a total of GBP586.6 million globally on marketing and customer acquisition, including GBP180 million on offline advertising and GBP339 million on digital display advertising, for the financial year ending March 2022.

The Complainant owns trademark registrations for the trademark BET365, such as the following:

- The UK trademark registration number 2456453 for the word BET365, filed on May 23, 2007, registered on January 16, 2009, and covering goods and services in the International classes 9, 28, 35, 36, 38, 41 and 42; and
- the European Union trademark registration number 05928346 for the word BET365, filed on May 23, 2007, registered on February 15, 2012, and covering services in the International class 41

The disputed domain name <bet365kor.com> was registered on May 25, 2017 and, at the time of filing the Complaint, it was connected to a website providing online sports, casino and games betting services, was featuring the Complainant’s trademark and logo, as well as the Complainant’s address and phone numbers in the “Help” section.

#### **5. Parties’ Contentions**

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

The Complainant contends that the disputed domain name is confusingly similar to its globally famous trademark BET365 and reproduces the dominant part of its company name, that the Respondent has no rights or legitimate interests in the disputed domain name, and that the Respondent registered and is using the disputed domain name in bad faith.

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

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

#### **6. Discussion and Findings**

In view of the Respondent’s default, the discussion and findings will be based upon the contentions in the Complaint and any reasonable position that can be attributable to the Respondent. Under paragraph 4(a) of

the Policy, a complainant can only succeed in an administrative proceeding under the Policy if the following circumstances are met:

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

The Panel will further analyze the potential concurrence of the above circumstances.

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

The Panel finds that the Complainant holds rights in the BET365 trademark.

The disputed domain name <bet365kor.com> incorporates the Complainant's trademark with an additional term, "kor". However, such addition does not prevent a finding of confusing similarity as the Complainant's trademark is clearly recognizable within the disputed domain name.

Numerous UDRP panels have considered that the addition of other terms (whether geographical, descriptive, pejorative, meaningless or otherwise) to trademarks in a domain name does not prevent a finding of confusing similarity, where the relevant trademark is recognizable within the domain name. See section 1.8 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("[WIPO Overview 3.0](#)").

Further, it is well established in decisions under the UDRP that the Top-Level-Domain ("TLD") (e.g., ".com", ".shop", ".info", ".net") may typically be disregarded for the purposes of consideration of confusing similarity between a trademark and a domain name. See section 1.11 of the [WIPO Overview 3.0](#).

Given the above, the Panel finds that the disputed domain name is confusingly similar to the Complainant's trademark BET365, pursuant to the Policy, paragraph 4(a)(i).

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

The Complainant asserts that the Respondent does not hold any trademark rights, license or authorization whatsoever to use the mark BET365, that the Respondent is not commonly known by the disputed domain name, and that the Respondent has not used the disputed domain name in connection with a legitimate noncommercial or fair use or a *bona fide* offering of goods and services.

Under the Policy, "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". See section 2.1 of the [WIPO Overview 3.0](#).

The Complainant has put forward a *prima facie* case that the Respondent does not have any rights or legitimate interests in the disputed domain name. The Respondent has not replied to the Complainant's contentions and has not come forward with relevant evidence to rebut the Complainant's *prima facie* case.

There is nothing in the record suggesting that the Respondent has ever been commonly known by the disputed domain name or that the Respondent made a *bona fide* offering of goods or services or a legitimate noncommercial use under the disputed domain name.

In fact, at the time of filing the Complaint, the disputed domain name resolved to a website displaying the Complainant's trademarks, contact details and providing identical services.

UDRP panels have categorically held that the use of a domain name for illegal activity (*e.g.* impersonation/passing off, or other types of fraud) can never confer rights or legitimate interests on a respondent. See section 2.13 of the [WIPO Overview 3.0](#).

Furthermore, UDRP panels have found that domain names that consist of a trademark plus certain additional terms such as a geographic term or a term with an inherent Internet connotation cannot constitute fair use as these suggest sponsorship or endorsement by the trademark owner. See section 2.5.1 of the [WIPO Overview 3.0](#).

For all these reasons, the Panel finds that the second element of the Policy is established, and the Respondent has no rights or legitimate interests in respect of the disputed domain name, pursuant to the Policy, paragraph 4(a)(ii).

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

The Complainant holds registered trademark rights for BET365 since at least 2007 and company name since 2001. According to the evidence provided, the Panel is satisfied that the trademark BET365 acquired worldwide reputation in the betting and gaming industry.

The disputed domain name was created in May 2017, and incorporates the Complainant's mark and company name with an additional non distinctive term, "kor". Furthermore, it is used in connection with a website that copies the look and feel of the official website of the Complainant.

For the above reasons, the Panel finds that the disputed domain name was registered in bad faith, with knowledge of the Complainant, its business and particularly targeting the Complainant's trademark.

The Respondent is using without permission the Complainant's trademark in order to get Internet traffic on its web portal and to obtain commercial gain from the false impression created for the Internet users with regard to a potential connection with the Complainant. This impression is created particularly by the incorporation of the Complainant's trademark and company name in the disputed domain name, and the content on the website provided thereunder which includes the Complainant's trademark, logo, telephone and address details.

Paragraph 4(b)(iv) of the Policy provides that the use of a domain name to intentionally attempt "to attract, for commercial gain, Internet users to [the respondent's] website 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 [the respondent's] website or location or of a product or service on [the respondent's] website or location" is evidence of registration and use in bad faith.

Given that the disputed domain name incorporates the Complainant's well-known trademark, reproduces the dominant part of the Complainant's company name and the website operated under the disputed domain name copies the look-and-feel of the Complainant's website, displays the Complainant's trademark, logo, contact details and is providing competing services, indeed in this Panel's view, the Respondent intended to attract Internet users accessing the website corresponding to the disputed domain name who may be confused and believe that the website is held, controlled by, or somehow affiliated or related to the Complainant, for its commercial gain. This activity is also causing disruption of the Complainant's activity.

Additionally, the Respondent registered the disputed domain name under a privacy service and failed to provide a response to the Complainant's allegations. Along with other circumstances in this case, such facts constitute further signs of bad faith. See sections 3.6 and 3.2.1. of the [WIPO Overview 3.0](#).

It was consistently found by previous UDRP panels that the mere registration of a domain name that is identical or confusingly similar to a third party's well-known trademark constitutes, by itself, a presumption of bad faith registration for the purpose of Policy. See section 3.1.4 of the [WIPO Overview 3.0](#).

For all the above reasons, the Panel finds that the Respondent registered and is using the disputed domain name in bad faith, pursuant to the Policy, paragraph 4(a)(iii).

## **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 <bet365kor.com> be transferred to the Complainant.

*/Marilena Comanescu/*

**Marilena Comanescu**

Sole Panelist

Date: June 14, 2023