

ADMINISTRATIVE PANEL DECISION

Max Bet SRL v. Adam Robert

Case No. D2023-1878

1. The Parties

The Complainant is Max Bet SRL, Romania, represented by Simion & Baciu, Romania.

The Respondent is Adam Robert, United Kingdom.

2. The Domain Name and Registrar

The disputed domain name <maxbetgroup.com> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 26, 2023. The original Complaint concerned three domain names: <maxbetgroup.com>, which is the subject of the current decision, <maxbet-online.com> and <maxbetslots.com>. On April 27, 2023, the Center transmitted by emails to the respective registrars requests for registrar verification in connection with these three domain names. On April 27 and 28, 2023, the registrars transmitted by email to the Center their verification responses disclosing registrant and contact information for the three domain names which differed from the named Respondent (PrivacyGuardian.org llc) and contact information in the Complaint. The Center sent an email communication to the Complainant on May 1, 2023, providing the registrant and contact information for multiple underlying registrants disclosed by the registrars, and inviting the Complainant to either amend the Complaint adding the registrar-disclosed registrants as the formal respondents and provide relevant arguments or evidence demonstrating that all the named respondents are, in fact, the same entity and that all domain names are under common control, or indicate which of the three domain names will no longer be included in the current Complaint. On May 4, 2023, the Complainant filed an amended Complaint and requested a partial withdrawal with regard to the domain names <maxbet-online.com> and <maxbetslots.com>. On May 5, 2023, the Center sent a Notification of requested partial withdrawal with regard to the domain names <maxbet-online.com> and <maxbetslots.com>, and continued the case only for the disputed domain name.

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 May 9, 2023. In accordance with the Rules, paragraph 5, the due date for Response was May 29, 2023. The Respondent did not submit any formal response. Accordingly, the Center notified the Commencement of Panel Appointment Process on June 9, 2023.

The Center appointed Assen Alexiev as the sole panelist in this matter on June 15, 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 is a gaming operator in Central and Eastern Europe and is affiliated to Maxbet Group Holdings Ltd. ("Maxbet Group"). The Maxbet group operates in the land-based gaming casino sector with 130 gaming halls in Romania, Belarus, Croatia, and Italy.

The Complainant is the owner of the Romanian trademark registration for the sign MAX BET - BEST GAMES IN THE WORLD (the "MAX BET - BEST GAMES IN THE WORLD trademark") with registration No. 106152, registered on May 14, 2009, for services in International Class 41.

The Complainant is also the owner of the domain name <maxbetgroup.ro>, registered on September 10, 2015, which resolves to its official website, and <maxbet.ro>, registered on April 4, 2006.

The disputed domain name initially was registered on April 15, 2010. At the time of filing of the Complaint, it contained information and materials about the Complainant and its services.

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 disputed domain name.

The Complainant states that the disputed domain name is confusingly similar to its MAX BET - BEST GAMES IN THE WORLD trademark, because it includes the "maxbet" element of the trademark in combination with the dictionary word "group". In the Complainant's view, the addition of the word "group" does not eliminate the confusing similarity between the disputed domain name and the Complainant's trademark.

According to the Complainant, the Respondent has no rights or legitimate interests in respect of the disputed domain name. It states that the disputed domain name was initially registered in April 2010 with the Complainant's consent by a third party that was providing website hosting and administration services. Until November 2022, the disputed domain name was operated by this third party according to the Complainant's instructions and the associated website contained information and materials relating to the Complainant's activities on the gaming and gambling market. When the services agreement between the Complainant and the third party expired, the third party no longer renewed the disputed domain name and failed to transfer it to the Complainant. The Complainant remarks that following the failure to renew the disputed domain name, the disputed domain was updated with a validity date ending on April 15, 2024, claiming that the likely assumption resulting therefrom is that the disputed domain name was ultimately registered by another entity – *i.e.*, the Respondent – without the Complainant's consent. At the time of filing of the Complaint, the website at the disputed domain name contained outdated information and materials pertaining to the Complainant and its services, and its PLAY NOW section redirected to a third-party website at the domain name <maxbet-online.com>.

The Complainant states that the Respondent has no relevant trademark rights and has not been authorized by the Complainant to use its trademark or to register the disputed domain name. According to the Complainant, if the Respondent is offering services in the online gaming/casino field, it cannot legitimately identify or promote its activities via the disputed domain name, and Internet users accessing the associated website and using the services promoted or presented on it might be led to believe that they have reached an official website of the Complainant. The Complainant notes that in this regard that its MAX BET - BEST GAMES IN THE WORLD trademark is being extensively used to identify the online gaming and online casinos and the other entertainment services offered by the Complainant, and that its official website <maxbetgroup.ro> is available in English and offers detailed information regarding the Complainant's services.

The Complainant contends that the disputed domain name was registered and is being used in bad faith. It maintains that as a result of its activities in the past 20 years it has become known amongst Internet users of online casino, gaming and betting services. According to the Complainant, the Respondent is using the disputed domain name to identify and market services under the denomination "MAXBET" which suggests a direct link with the Complainant and misleads Internet users into believing that the goods and services offered on the associated website are authorized by the Complainant, thus taking advantage of the reputation enjoyed by the Complainant's trademark amongst Internet users and the Complainant's customers.

B. Respondent

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

6. Discussion and Findings

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.

Based on the available record, the Panel finds the Complainant has shown rights in respect of the MAX BET - BEST GAMES IN THE WORLD trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1

The dominant feature of the MAX BET - BEST GAMES IN THE WORLD trademark is its "max bet" element, and it is recognizable in the disputed domain name. As discussed in section 1.7 of the [WIPO Overview 3.0](#), where a dominant feature of the relevant mark is recognizable in the domain name, the domain name will normally be considered confusingly similar to that mark for purposes of UDRP standing.

While the addition of other terms (here, "group") may bear on assessment of the second and third elements, the Panel finds the addition of such term does not prevent a finding of confusing similarity between the disputed domain name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.8.

Based on the available record, the Panel therefore finds the first element of the Policy has been established.

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.

Having reviewed the record, the Panel finds the Complainant has established a *prima facie* case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted Complainant’s *prima facie* showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name.

The Panel considers that the record of this case reflects that:

- before any notice to the Respondent of the dispute, the Respondent did not use, nor has it made demonstrable preparations to use, the disputed domain name or a name corresponding to the disputed domain name in connection with a *bona fide* offering of goods or services. Paragraph 4(c)(i) of the Policy, and [WIPO Overview 3.0](#), section 2.2.
- the Respondent (as an individual, business, or other organization) has not been commonly known by the disputed domain name. Paragraph 4(c)(ii) of the Policy, and [WIPO Overview 3.0](#), section 2.3.
- the Respondent is not making a legitimate noncommercial or fair use of the disputed domain name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Paragraph 4(c)(iii) of the Policy, and [WIPO Overview 3.0](#), section 2.4.
- the record contains no other factors demonstrating rights or legitimate interests of the Respondent in the disputed domain name.

The disputed domain name is confusingly similar to the MAX BET - BEST GAMES IN THE WORLD trademark as it incorporates its dominant feature “max bet”. It is also confusingly similar to the Complainant’s official website <maxbetgroup.ro>. The Respondent has not submitted a Response and does not submit any argument why it should be considered as having rights or legitimate interests in the disputed domain name or object to the Complainant’s explanation of the background of the dispute, where the Complainant lost the control over the disputed domain name in the end of 2022, following which the Respondent was registered as its registrant. The undisputed evidence shows that at the time of filing of the Complaint, the disputed domain name resolved to a website offering online games and gambling, and its “Play now” section redirected to a “Maxbet”-branded online gaming website which the Complainant claims is under the control of a third party. These circumstances support a conclusion that more likely than not the Respondent is targeting the Complainant’s goodwill with the registration and use of the disputed domain name in an attempt to confuse and attract unsuspecting Internet users searching for the Complainant’s services for commercial gain. The Panel does not regard such conduct as legitimate and giving rise to rights or legitimate interests of the Respondent in the disputed domain name.

Based on the available record, the Panel finds the second element of the Policy has been established.

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 considers that the record of this case reflects that:

- The Respondent has registered the disputed domain name primarily for the purpose of disrupting the business of a competitor. Paragraph 4(b)(iii) of the Policy, and [WIPO Overview 3.0](#), section 3.1.3.
- The Respondent has intentionally attempted to attract, for commercial gain, Internet users to its 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 the Respondent's web site or location or of a product or service on the Respondent's web site or location. Paragraph 4(b)(iv) of the Policy, and [WIPO Overview 3.0](#), section 3.1.4.

The disputed domain name is confusingly similar to the MAX BET - BEST GAMES IN THE WORLD trademark of the Complainant and to its domain name <maxbetgroup.ro>, which it uses for offering gaming and gambling services. The Respondent has not submitted a Response and does not dispute that it registered the disputed domain name following its inadvertent expiration in 2022. Given that the disputed domain name was actively used by the Complainant for its website for more than 10 years, it seems more likely than not that the Respondent was aware of the Complainant and its prior use of the disputed domain name and strategically registered the disputed domain name following its expiration in aim to capitalize on the Internet traffic associated with the Complainant and its (now) expired disputed domain name.

As discussed above in this decision, the Complainant has submitted evidence, which has not been disputed by the Respondent, that at the time of filing of the Complaint, the disputed domain name resolved to a website offering online games and gambling, displaying the Complainant's logo at the top of the website, and its "Play now" section redirected to another "Maxbet"-branded online gaming website. The Complainant claims this website is controlled by a third party. To the extent the Respondent is itself offering online gaming services, it may be considered as a competitor of the Complainant. Taking all the above into account, the Panel finds as more likely than not the Respondent knew of the Complainant when acquiring the disputed domain name and targeted the Complainant's goodwill with its registration and use in an attempt to confuse and attract Internet users for commercial gain, and that it may have done so in an attempt to also disrupt the Complainant's business.

Based on the available record, the Panel finds the third element of the Policy has been established.

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, <maxbetgroup.com>, be transferred to the Complainant.

/Assen Alexiev/

Assen Alexiev

Sole Panelist

Date: June 27, 2023