

## ADMINISTRATIVE PANEL DECISION

Ninja Global Ltd. v. Himanshu Jain  
Case No. D2024-0388

### 1. The Parties

The Complainant is Ninja Global Ltd., Malta, represented by Abion AB, Sweden.

The Respondent is Himanshu Jain, India.

### 2. The Domain Name and Registrar

The disputed domain name <ninjacasino.online> is registered with Mesh Digital Limited (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 29, 2024. On January 29, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 30, 2024, 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 (Domainbox Limited) and contact information in the Complaint. The Center sent an email communication to the Complainant on January 31, 2024, 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 amendment to the Complaint on January 31, 2024.

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 1, 2024. In accordance with the Rules, paragraph 5, the due date for Response was February 21, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default February 22, 2024.

The Center appointed Willem J. H. Leppink as the sole panelist in this matter on March 4, 2024. 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, Ninja Global Ltd., is a gaming and casino company based in Malta.

The Complainant owns several trademarks for NINJA CASINO, including:

- European Union figurative trademark NINJA CASINO, registered under number 017754516 on May 14, 2018, for goods and services in classes 9, 38 and 41;
- European Union word trademark NINJACASINO, registered under number 015743685 on November 28, 2016, for goods and services in classes 9 and 41.

The disputed domain name was registered on December 24, 2022. The disputed domain name resolves to a parked page, which at the time of filing the Complaint, included Pay-Per-Click ("PPC") links.

#### **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.

Notably, the Complainant contends the following.

The disputed domain name consists of the word "ninjacasino", under the Top-Level-Domain ("TLD") ".online". The word element "ninjacasino" is identical to the Complainant's registered rights for NINJA CASINO and NINJACASINO. The only difference between the trademarks and the disputed domain name is the TLD ".online". Considering the above, the disputed domain name is confusingly similar to the trademarks.

The Respondent does not have any rights to the trademarks of the Complainant, nor is the Respondent a licensee of the Complainant. The Complainant has not given the Respondent any permission to register the trademark of the Complainant as a domain name or to use or present an offering of goods and services on the domain under the Complainant's trademarks. There is also no evidence found showing that the Respondent has been commonly known by the disputed domain name or is making a legitimate non-commercial or fair use of the disputed domain name. In addition, the usage of the disputed domain name strongly suggests that the disputed domain name was registered with the Complainant's trademarks in mind and to commercially profit from misleading consumers searching for information about the Complainant's business.

The Respondent is trying to take advantage of the Complainant's trademarks to draw traffic to the website to which the disputed domain name resolves. The Complainant sent a cease-and-desist letter to the Respondent on January 23, 2023, without any reply despite several reminders. The continued use and registration of the disputed domain name, for the past year, is therefore considered in bad faith.

##### **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.

The Complainant has shown rights in respect of a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the mark is reproduced within the disputed domain name. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The Panel 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.

Although 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 difficult 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 (although the burden of proof always remains on the complainant). 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 available 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 the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating rights or legitimate interests in the disputed domain name such as those enumerated in the Policy or otherwise.

The parked page does not provide the Respondent with a legitimate interest, certainly as the PPC links relate to the activities of the Complainant. Panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a bona fide offering where such links compete with or capitalize on the reputation and goodwill of the complainant's mark or otherwise mislead Internet users. [WIPO Overview 3.0](#), section 2.9.

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.

In the present case, the Panel notes that the Complainant has not taken much effort in the Complaint to establish or allege the notoriety of its trademarks. The Complainant has only alleged that the use of the disputed domain name strongly suggests that the disputed domain name was registered with the

Complainant's trademarks in mind and to commercially profit from misleading consumers searching for information about the Complainant's business. Only in the cease-and-desist letter sent to the Respondent the Complainant mentioned that the Complainant's trademarks are well-known and have a good reputation in the market of casinos and gaming and that therefore, the Respondent must have been aware of the Complainant's trademarks when registering the disputed domain name.

The Panel, however, also notes that the Respondent has not replied to the contentions in both the cease-and-desist letter and the Complaint.

The Panel, on a balance, finds that although the Complaint in this regard was meager, the Respondent must have been aware of the Complainant's trademarks when registering the disputed domain name.

Lacking any reply from the Respondent, the Panel finds that the Respondent has registered the disputed domain name in bad faith, certainly as the PPC links relate to activities comparable to those of the Complainant. In its findings the Panel takes into consideration (i) the degree of distinctiveness or reputation of the Complainant's mark, (ii) the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good-faith use, and (iii) the Respondent's concealing its identity. [WIPO Overview 3.0](#), section 3.3.

The Panel finds that the Complainant has established 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 name <ninjacasino.online> be transferred to the Complainant.

*/Willem J. H. Leppink/*

**Willem J. H. Leppink**

Sole Panelist

Date: March 11, 2024