

## **ADMINISTRATIVE PANEL DECISION**

Polski Standard Płatności sp. z o.o. v. Irina Zenenkova  
Case No. D2024-1228

### **1. The Parties**

The Complainant is Polski Standard Płatności sp. z o.o., Poland, represented by LDS Lazewski Depo & Partners, Poland.

The Respondent is Irina Zenenkova, Kazakhstan.

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

The disputed domain name <casino-blik.com> is registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on March 21, 2024. On the same day, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. Also on March 21, 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 (Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint.

The Center sent an email communication to the Complainant on March 25, 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 March 28, 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 April 5, 2024. In accordance with the Rules, paragraph 5, the due date for Response was April 25, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on April 26, 2024.

The Center appointed Alistair Payne as the sole panelist in this matter on April 30, 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 is the owner of BLIK which it asserts is the most popular digital payment brand in Poland, and that by 2021 had 20 million mobile banking application users. It owns various trade mark registrations incorporating its BLIK mark including Polish trade mark registration R 285340 for BLIK registered on June 20, 2016, and European trade mark registration 014324818 for BLIK (and logo) registered on October 21, 2015. Information about the Complainant's payment system is on the website at "www.blik.com".

The disputed domain name was registered on April 13, 2023 and resolves to a website in the Polish language that presents reviews and information about online casinos and features links to on-line casinos and includes information about using the Complainant's BLIK payment system to make payments to the casinos and also features the BLIK trade mark and the Complainant's registered BLIK logo mark.

#### **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 that it owns registered trade mark rights as set out above and that the disputed domain name incorporates its BLIK mark and is therefore confusingly similar to the Complainant's trade mark. It says that the inclusion of the descriptive term "casino" in the disputed domain name does not prevent a finding of confusing similarity.

The Complainant submits that the disputed domain name is used to mislead the public and to confuse people looking for information about the Complainant and its business into being re-directed to the Respondent's website featuring information on on-line gambling and potentially confuse them, by using and referring to the BLIK mark and business, into thinking that there are links between the Complainant, the Complainant's business and on-line gambling. The Complainant notes that links on this website also re-direct Internet users to on-line gambling sites.

The Complainant says that it has not authorised this conduct and has given no permission for the use of its trade marks. It also submits that it is not aware of any bona fide business activity by the Respondent using the disputed domain name. It says that the Respondent's use of the disputed domain name is clearly commercial and is not being carried out in an honest or legitimate manner and that it has the effect of tarnishing the Respondent's marks and reputation. None of this, says the Complainant, is consistent with the Respondent having rights or legitimate interests in the disputed domain name.

The Complainant asserts that the use of the BLIK mark and the various references to the BLIK payment system on the website at the disputed domain name strongly suggests that the Respondent must have been aware of the Complainant's trade mark and business at the date of registration of the disputed domain name.

The Complainant asserts that the Respondent's use of the disputed domain name, in the manner described above, fulfills the requirements of paragraph 4(b)(iv) of the policy which is evidence of registration and use in bad faith. It also, says the Complainant, amounts to a disruption of its business and causes harm to its reputation. Further it alleges the contact page on the Respondent's website permits the collection of data which Internet users may provide falsely thinking that it is the Complainant collecting the data. It notes further that there is no contact information on the website at the disputed domain name, the Respondent has

failed to respond to its cease and desist letter and it may be that the website depicts a fictional person making claims about gambling sites as the man's photograph shown on the website under is also shared by other sites which appear to be unrelated to this one.

## **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 trade mark 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 trade mark 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 confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of other terms here, "casino" with the hyphen "-", 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.

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.

The Complainant has submitted that the disputed domain name is used by the Respondent to mislead the public and to confuse people looking for information about the Complainant and its business into being re-directed to the Respondent's website. According to the Complainant, this website features information on on-line gambling and by use of and reference to the BLIK mark potentially confuses Internet users into thinking that there are links between the Complainant, the Complainant's business and on-line gambling. The Complainant has also noted that links on this website also re-direct Internet users to on-line gambling sites.

The Complainant has submitted that it has not authorised this conduct and has given no permission for the use of its trade marks. It has also submitted that it is not aware of any bona fide business activity by the Respondent using the disputed domain name. The Complainant has asserted that the Respondent's use of the disputed domain name is clearly commercial and is not being carried out in an honest or legitimate manner and that it has the effect of tarnishing the Respondent's marks and reputation. None of this, according to the Complainant, is consistent with the Respondent having rights or legitimate interests in the disputed domain name.

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 Panel finds that 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 disputed domain name was registered in April 2023, many years after the Complainant's registration of its BLIK mark. It is apparent that the Complainant's BLIK payment application has become very well established in the Polish market to the extent that it enjoys a pre-eminent place in the market in Poland. Based on this reputation and the fact that the Complainant's BLIK word and logo mark are referred to or used on the website to which the disputed domain name resolves the Panel finds that the Respondent was most likely well aware of the Complainant's BLIK mark at the date of registration of the disputed domain name.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

Under paragraph 4(b)(iv) of the Policy there is evidence of registration and use of the disputed domain name in bad faith where a Respondent has used the disputed domain name to intentionally attract, for commercial gain, Internet users to its website by creating a likelihood of confusion with the Complainant's trade marks as to the source, sponsorship, affiliation or endorsement of the website.

In this case it appears that the Respondent has used the disputed domain name to confuse and divert Internet users to its website which provides both information concerning on-line gambling as well as links to a variety of on-line gambling sites. The unauthorised use of the BLIK logo mark, or the reference to the BLIK mark on the website to which the disputed domain name resolves, could potentially confuse Internet users into thinking that there are links between the BLIK mark and the Complainant's business and on-line gambling which do not exist. It is most likely that the Respondent benefits commercially from the traffic driven to its site as a result, whether through click through revenue or other commercial arrangements. The Panel therefore finds that the requirements of paragraph 4(b)(iv) are satisfied and that this amounts to evidence of registration and use of the disputed domain name in bad faith.

Although the Respondent's website does not compete with the Complainant's business and therefore paragraph 4(b)(iii) is not engaged, the Panel's view of the Respondent's bad faith is only reinforced by the lack of contact information on the website to which the disputed domain name resolves. In addition and in the circumstances of this case in which the Respondent appears to have targeted the Complainant's mark in order to drive traffic to the website at the disputed domain name, the Respondent's use of a privacy service to mask her identity is further indicative of bad faith. Finally, the Panel notes that the Respondent has failed

to respond to the cease and desist letter of January 5, 2024 sent on behalf of the Complainant or otherwise to explain her conduct.

In these circumstances 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 <casino-blik.com> be transferred to the Complainant.

*/Alistair Payne/*

**Alistair Payne**

Sole Panelist

Date: May 10, 2024