

ADMINISTRATIVE PANEL DECISION

Navasard Limited v. Kamal Kumar, SUMIT GUPTA
Case No. D2024-1635

1. The Parties

Complainant is Navasard Limited, Cyprus, internally represented.

Respondent is Kamal Kumar, SUMIT GUPTA, India.

2. The Domain Name and Registrar

The disputed domain name <1xbet.company> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 18, 2024. On April 18, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On April 18, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from named Respondent (Registration Private, Domains by Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to Complainant on April 22, 2024 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amendment to the Complaint on April 23, 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 Respondent of the Complaint, and the proceedings commenced on April 26, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 16, 2024. Respondent did not submit any response. Accordingly, the Center notified Respondent’s default on May 28, 2024.

The Center appointed Clive L. Elliott, K.C., as the sole panelist in this matter on June 11, 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

Complainant is a limited liability company registered in Cyprus and operating since March 9, 2015.

Complainant is the owner of the trade mark 1XBET (“Complainant’s Mark”), for online sport betting service, as follows:

Mark	Jurisdiction	Registration No	Registration Date	Classes
(Logo) 	European Union	013914254	July 27, 2015	35, 41, 42
(Word) 1XBET	European Union	014227681	September 21, 2015	35, 41, 42

According to the publicly available Whois, the Domain Name was registered on January 23, 2024 and resolve to an inactive webpage.

5. Parties’ Contentions

A. Complainant

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the Domain Name.

Notably, Complainant contends that the Domain Name is confusingly similar to Complainant’s Mark as it contains Complainant’s Mark in its entirety, together with the addition of the word “company”. Complainant further contends that as far as it is aware Respondent is not making any commercial or fair use of the Domain Name and there is no actual offering of goods and services.

Complainant also asserts that the Domain Name was not registered on behalf of Complainant, nor any of its affiliated companies or licensees, and that the use of the word “1XBET” has been made without any authorization or consent by Complainant.

Complainant contends that Respondent has registered the Domain Name in bad faith in order to mislead potential clients of Complainant by taking advantage of the confusing similarity of the Domain Name with Complainant’s Mark.

Registration of the Domain Name came to Complainant’s attention early in 2024 and on February 7, 2024 Complainant sent a detailed abuse report to the Registrar requesting that the Domain Name be transferred to Complainant. No response was received from the Registrar.

B. Respondent

Respondent did not reply to 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

Complainant's Mark and the Domain Name. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

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 Complainant's Mark is reproduced within the Domain Name, in the case of the word mark 1XBET, without alteration or variation. Accordingly, the Domain Name is confusingly similar to Complainant's Mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

Although the addition of the Top-Level-Domain ("TLD") ".company" may bear on assessment of the second and third elements, the Panel finds the addition of such word does not prevent a finding of confusing similarity between the Domain Name and the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.11.2.

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 Respondent may demonstrate rights or legitimate interests in the 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 respondent. As such, where a complainant makes out a prima facie case that respondent lacks rights or legitimate interests, the burden of production on this element shifts to respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the Domain Name (although the burden of proof always remains on complainant). If 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the Domain Name. 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 Domain Name such as those enumerated in the Policy or otherwise.

Noting the composition of the Domain Name, it carries a high risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.

Accordingly, 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 is satisfied that Respondent has intentionally attempted to attract, for commercial gain, Internet users by creating a likelihood of confusion with Complainant's Mark.

In addition, panels have found that the non-use of a domain name (including a blank or "coming soon" page) would not prevent a finding of bad faith under the doctrine of passive holding. Having reviewed the available record, the Panel finds the non-use of the Domain Name does not prevent a finding of bad faith in the circumstances of this proceeding. In reaching this view, the Panel is satisfied that such a finding is appropriate in the present case given the degree of distinctiveness of Complainant's Mark, [WIPO Overview 3.0](#), section 3.3.

For these reasons, the Panel finds that 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 Domain Name <1xbet.company> be transferred to Complainant.

/Clive L. Elliott, K.C./

Clive L. Elliott, K.C.,

Sole Panelist

Date: June 27, 2024