

ADMINISTRATIVE PANEL DECISION

BestBet Ltd v. Ranjeet Kumar, Adsetweb, LLC
Case No. D2024-1721

1. The Parties

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

The Respondent is Ranjeet Kumar, Adsetweb, LLC, India.

2. The Domain Name and Registrar

The disputed domain name <bestcasino.email> (“Disputed 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 24, 2024. On April 24, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Disputed Domain Name. On April 24, 2025, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on April 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 April 29, 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 May 2, 2024. In accordance with the Rules, paragraph 5, the due date for Response was May 22, 2024. The Respondent sent email communications to the Center on May 2 and 9, 2024.

The Center appointed Gabriela Kennedy as the sole panelist in this matter on June 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 is a casino company licensed and regulated by the Malta Gaming Authority. The Complainant owns various word and figurative trademarks for or containing the term “BestCasino” (“Complainant’s Trademark”).

The relevant trademark registrations include, inter alia, European Union figurative Trademark Registration No. 017993418 for **BestCasino** registered on November 6, 2019 in Class 28; and United Kingdom Registration No. UK00917993418 for **BestCasino** registered on November 6, 2019 in Class 28.

The Complainant’s Trademark is fully incorporated in the Complainant’s domain name <bestcasino.com> registered on March 30, 1997, and resolves to the Complainant’s website (“Complainant’s Website”).

The Disputed Domain Name was registered by the Respondent on October 20, 2023. At the time of the filing of the Complaint and the rendering of this decision, the Disputed Domain Name redirected to the Complainant’s Website. Additionally, the Respondent was sending fraudulent emails imitating an official email address of the Complainant.

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:

(a) The Disputed Domain Name is identical to the Complainant’s Trademark, with the only difference being the generic Top-Level Domain “.email” which may be disregarded. The Disputed Domain Name reproduces the Complainant’s Trademark in its entirety, which creates a very high risk of association with the Complainant.

(b) The Respondent has no rights or legitimate interests in the Disputed Domain Name. The Complainant has not given permission, licensed or authorised the Respondent to use the Complainant’s Trademark. There is no evidence that the Respondent is commonly known by the Disputed Domain Name, enabling it to establish rights or legitimate interest in the Complainant’s Trademark; nor making legitimate non-commercial or fair use of the Disputed Domain name. Furthermore, the fact that the Disputed Domain Name redirects to the Complainant’s Website strongly suggests that the Respondent registered the Disputed Domain Name with the Complainant’s Trademark in mind, aiming to commercially profit from misleading Internet users searching for the Complainant’s business. Such use of the Disputed Domain Name cannot confer any rights or legitimate interests in the Disputed Domain Name to the Respondent.

(c) The Respondent has registered the Disputed Domain Name and is using it in bad faith. The registration of the Complainant’s Trademark and Website significantly predates that of the Disputed Domain Name. As the Disputed Domain Name wholly incorporates the Complainant’s Trademark, the Respondent is trying to take advantage of the Complainant’s Trademark to draw Internet traffic to the Disputed Domain Name. The Respondent has thus registered the Disputed Domain Name to commercially profit from the likelihood of confusion between the Complainant’s Trademark and the Disputed Domain Name. The use of the Disputed Domain Name to redirect Internet users to the Complainant’s Website is further evidence of the

Respondent's bad faith. This is supported by the Respondent's lack of response to and continued use and registration of the Disputed Domain Name following the Complainant's cease-and-desist letter dated April 11, 2024 and subsequent reminders; as well as the Respondent's phishing attempt dated March 7, 2024 sent to the Complainant's customers from an email address formed with the Disputed Domain Name. The Respondent's use of the Disputed Domain Name disturbs and hinders the Complainant's business; and evidence supports a conclusion that the Respondent registered and is using the Disputed Domain Name for fraudulent purposes.

B. Respondent

The Respondent sent email communications to the Center on May 2 and 9, 2024 respectively. The email dated May 2, 2024 did not contain substantive content. In the Respondent's second email dated May 9, 2024, the Respondent wrote to the Center stating that "*Your Colleague paid me for the redirection domain. I have removed the redirection*". The email did not come with further explanation or supporting evidence, nor did the Respondent address any of the Complainant's contentions. As noted above, the Disputed Domain Name continues to redirect to the Complainant's Website.

6. Discussion and Findings

Under paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements:

- (i) the Disputed Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the Disputed Domain Name; and
- (iii) the Disputed Domain Name has been registered and is being used by the Respondent in bad faith.

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 the Complainant's figurative Trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. The figurative elements are disregarded for the purpose of assessing identity or confusing similarity under the first element.

The entirety of the Complainant's Trademark 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 Complainant's Trademark is recognisable within the Disputed Domain Name. It is also well established that the generic Top-Level Domain, ".email" in this case, may be disregarded. [WIPO Overview 3.0](#), section 1.11.1. 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 recognised 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 Respondent’s failure to file a Response may result in the Panel drawing appropriate inferences from such default. The Panel may also accept all reasonable and supported allegations and inferences flowing from the Complainant as true (see *Entertainment Shopping AG v. Nischal Soni, Sonik Technologies*, WIPO Case No. [D2009-1437](#); and *Charles Jourdan Holding AG v. AAIM*, WIPO Case No. [D2000-0403](#)). The Panel considers that the Respondent’s emails dated May 2 and 9, 2024 do not constitute a formal Response and, in any case, do not satisfactorily address the Complainant’s arguments under this element of the Policy.

The Panel agrees with the Complainant that there is no evidence to show that the Respondent has trademark rights corresponding to the Disputed Domain Name, or that the Respondent has become known by the Disputed Domain Name. There is no evidence to suggest that the Respondent’s use of the Disputed Domain Name is in connection with a bona fide offering of goods or services or be regarded as legitimate non-commercial or fair use.

This is especially the case as the Disputed Domain Name redirects to the Complainant’s Website. Panels have consistently held that use of a disputed domain name to redirect Internet users to the complainant’s website cannot confer any rights or legitimate interest in the disputed domain name to the respondent (see *Ann Summers Limited v. Domains By Proxy, LLC / Mingchun Chen*, WIPO Case No. [D2018-0625](#); and *Carrefour v. WhoisGuard, Inc., WhoisGuard Protected / Robert Jurek, Katrin Kafut, Purchasing clerk, Starship Tapes & Records*, WIPO Case No. [D2017-2533](#)).

Furthermore, the Respondent would likely not have adopted the Complainant’s Trademark if not for the purpose of creating an impression that the Disputed Domain Name is associated with, or originates from, the Complainant. This is supported by the phishing attempt sent under <...@bestcasino.email>, which additionally indicates the Respondent is not making legitimate non-commercial or fair use of the Disputed Domain Name. The continued risk of the Respondent being involved in a phishing scheme is reinforced by the Disputed Domain Name’s redirection to the Complainant’s Website.

Moreover, the Disputed Domain Name is an identical reproduction of the Complainant’s Trademark. Thus, the Disputed Domain Name carries a high risk of implied affiliation as it effectively impersonates or suggests sponsorship or endorsement by the Complainant. See section 2.5.1 of the [WIPO Overview 3.0](#).

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.

Panels have held that the use of a domain name for illegal activity, such as phishing, impersonation or passing off by the Respondent as the Complainant using the Complainant’s Trademark can never confer rights or legitimate interests on a respondent. [WIPO Overview 3.0](#), section 2.13.1.

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 it is difficult to conceive of any plausible use of the Disputed Domain Name that would amount to good faith use, given that it has incorporated the Complainant's Trademark in its entirety. Also, as discussed above, the Respondent lacks any rights or legitimate interests in the Disputed Domain Name (see *Washington Mutual, Inc. v. Ashley Khong*, WIPO Case No. [D2005-0740](#)). Further, the Respondent failed to respond to the Complainant's contentions and has provided no evidence of its actual or contemplated good faith use of the Disputed Domain Name.

Despite the Respondent's assertion in his email dated May 9, 2024 that the redirection was removed, the Panel notes that at the time of the decision, the Disputed Domain Name continues to redirect to the Complainant's Website. Panels have held that use of a disputed domain name incorporating a complainant's trademark by an unauthorised third-party to redirect Internet users to a complainant's website is evidence of bad faith. [WIPO Overview 3.0](#), section 3.1.4. This is reinforced where the respondent retains control over the redirection by the disputed domain name, thereby creating a real or implied ongoing threat to the complainant (see *Ann Summers Limited v. Domains By Proxy, LLC / Mingchun Chen*, WIPO Case No. [D2018-0625](#); and *Myspace, Inc. v. Mari Gomez*, WIPO Case No. [D2007-1231](#)).

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. The Panel finds that the Respondent's failure to respond to the Complainant's cease-and-desist letter; its continued use and registration of the Disputed Domain Name after receiving the said letter; and the phishing attempt addressed to the Complainant's customers should be taken into consideration in a finding of bad faith under the Policy.

Panels have held that the use of a domain name for illegal activity, such as phishing, impersonation or passing off by the Respondent as the Complainant using the Complainant's Trademark constitutes bad faith. [WIPO Overview 3.0](#), section 3.4. Having reviewed the record, the Panel finds the Respondent's registration and use of the Disputed Domain Name constitutes bad faith under the Policy.

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 <bestcasino.email> be transferred to the Complainant.

/Gabriela Kennedy/
Gabriela Kennedy
Sole Panelist
Date: June 12, 2024