

ADMINISTRATIVE PANEL DECISION

Navasard Limited v. demet alper
Case No. D2024-2392

1. The Parties

The Complainant is Navasard Limited, Cyprus, represented by Pavlo Korchemliuk, Cyprus.

The Respondent is demet alper, self-represented, Türkiye.

2. The Domain Name and Registrar

The disputed domain name <1xbet.ceo> is registered with NameCheap, Inc. (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on June 12, 2024. On June 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On June 13, 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 (Redacted for Privacy, Privacy service provided by Withheld for Privacy ehf) and contact information in the Complaint. The Center sent an email communication to the Complainant on June 13, 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 June 14, 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 June 18, 2024. In accordance with the Rules, paragraph 5, the initial due date for filing a response was July 8, 2024. The Respondent sent email communications to the Center on June 25, August 3, and 7, 2024.


Upon the requests received from the Complainant respectively on June 28, and July 30, 2024, the proceedings were suspended on June 28, 2024, and then re-instituted on July 30, 2024.

The Center appointed Kiyoshi Tsuru as the sole panelist in this matter on August 14, 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 Cyprus-based company specialized in online gambling, operating since 2015.

The Complainant is the owner of several trademark registrations including:

Trademark	Registration No.	Jurisdiction	Date of Registration	Class
	013914254	European Union	July 27, 2015	Class 35, Class 41, and Class 42
1XBET	014227681	European Union	September 21, 2015	Class 35, Class 41, and Class 42

The Complainant operates its online casino business through the domain names <1xbet.com> and <1xbet.es>, among others.

At the date of writing of this Decision, the disputed domain name resolves to a website with PPC links but otherwise no active content.

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:

I. Identical or Confusingly Similar

That the disputed domain name is identical to the alphanumeric string of the Complainant's 1XBET trademark.

II. Rights or Legitimate Interests

That the Respondent is potentially using the disputed domain name illegally to profit from the potential resale of the disputed domain name, taking advantage of the similarity existing between the disputed domain name and the Complainant's 1XBET trademark.

That the Respondent does not intend to use the disputed domain name in connection with the offering of goods and services in good faith.

That the Respondent is not making any commercial or fair use of the disputed domain name.

III. Registered and Used in Bad Faith

That the Respondent's lack of active use and passive holding of the disputed domain name does not prevent the finding of bad faith on the side of the Respondent (citing *Intel Corporation v. The Pentium Group*, WIPO Case No. [D2009-0273](#), *Ladbroke Group Plc v. Sonoma International LDC*, WIPO Case No. [D2002-0131](#), and *The Commissioners for HM Revenue and Customs v. Domain Privacy, Domain Privacy ApS / Keris Patih / National Insurance*, WIPO Case No. [D2017-0533](#)).

B. Respondent

Even though the Respondent sent email communications to the Center on June 25, August 3, and August 7, 2024, respectively, in which he represented that he did not know how to proceed with the Complaint, and that the acquisition of the disputed domain name had not been fraudulent, said communications do not constitute a formal response to the Complaint. The Panel further notes that the allegations made by the Respondent are not evidenced.

6. Discussion and Findings

Paragraph 4(a) of the Policy sets out the three requirements that the Complainant must prove in order to successfully request remedies:

- (i) that the disputed domain name is identical or confusingly similar to a trademark or service mark to which the Complainant has rights;
- (ii) that the Respondent has no rights or legitimate interests in connection to the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used in bad faith.

Given the lack of the supporting evidence for the Respondent's arguments, failure to specifically address the case merits as they relate to the three UDRP elements, the Panel may decide this proceeding based on the Complainant's undisputed factual allegations under paragraph 15(a) of the Rules.

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 its 1XBET trademarks for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The Panel finds that the entirety of the Complainant's 1XBET trademark is reproduced within the disputed domain name. The generic Top-Level Domain ".ceo" can be disregarded under the first element. [WIPO Overview 3.0](#), section 1.11.1. Accordingly, the disputed domain name is identical to said 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 that 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 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 and therefore has not rebutted the Complainant’s prima facie showing. Specifically, the Respondent has failed to provide evidence of bona fide or legitimate noncommercial or fair use of the disputed domain name. No evidence was provided either in connection with the Respondent being commonly known by the disputed domain name.

Furthermore, the Panel considers that the composition of the disputed domain name carries a high risk of implied affiliation with the Complainant, especially considering that it is identical to the Complainant’s trademark 1XBET of which there does not seem to be other obvious uses. [WIPO Overview 3.0](#), section 2.5.1.

Therefore, 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 Complainant has ascertained its rights over its 1XBET trademark. The dates of registration of the Complainant’s trademark significantly precede the date of registration of the disputed domain name. As stated above, the 1XBET trademark is comprised of a fanciful term that does not correspond to a dictionary term. The Panel agrees with decisions issued by previous panels in the sense that the 1XBET trademark is distinctive (see *Navasard Limited v. 胡雪 (Jinkon)*, WIPO Case No. [D2024-1638](#) and *Navasard Limited v. Arina Derevianko*, WIPO Case No. [D2023-2563](#)). In light of the foregoing, the Panel finds that the Respondent has targeted the Complainant when registering the disputed domain name. The fact that the Respondent registered the disputed domain name which is identical to the Complainant’s 1XBET trademark, shows that the Respondent has targeted the Complainant, which constitutes opportunistic bad faith (see section 3.2.1 of the [WIPO Overview 3.0](#); see also *L’Oréal v. Contact Privacy Inc. Customer 0149511181 / Jerry Peter*, WIPO Case No. [D2018-1937](#); *Gilead Sciences Ireland UC / Gilead Sciences, Inc. v. Domain Maybe For Sale c/o Dynadot*, WIPO Case No. [D2019-0980](#); *Dream Marriage Group, Inc. v. Romantic Lines LP, Vadim Parhomchuk*, WIPO Case No. [D2020-1344](#); and *Valentino S.p.A. v. Qiu Yufeng, Li Lianye*, WIPO Case No. [D2016-1747](#)).

The Panel notes that the Complainant has previously filed multiple cases under the Policy (dozens in the past years and 14 so far this year), in which its trademark 1XBET has been the object of cybersquatting. This leads the Panel to infer that said trademark and the Complainant’s gambling site associated thereto have a significant degree of online recognition, which explains why the Complainant and its trademark 1XBET have repeatedly been the victims of cybersquatting.

As for the use of the disputed domain name, 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 record, the Panel finds the non-use of the disputed domain name do not prevent a finding of bad faith in the circumstances of this proceeding. While panelists will look at the totality of the circumstances in each case, factors that have been considered relevant in applying the passive

holding doctrine include: (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, (iii) the respondent's concealing its identity or use of false contact details (noted to be in breach of its registration agreement), and (iv) the implausibility of any good faith use to which the domain name may be put (see [WIPO Overview 3.0](#), section 3.3). Having reviewed the record, the Panel notes that the Complainant's trademark is replicated identically within the composition of the disputed domain name and finds that under the circumstances of this case the passive holding of the disputed domain name does not prevent a finding of bad faith under the Policy.

Based on the available record, the Panel finds that the Complainant has successfully 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 <1xbet.ceo> be transferred to the Complainant.

/Kiyoshi Tsuru/

Kiyoshi Tsuru

Sole Panelist

Date: August 29, 2024