

## **ADMINISTRATIVE PANEL DECISION**

Navasard Limited v. David Lily  
Case No. D2024-2395

### **1. The Parties**

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

The Respondent is David Lily, Philippines.

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

The disputed domain name <1xbet.ooo> is registered with NameSilo, LLC (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 12, 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) 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 13, 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 17, 2024. In accordance with the Rules, paragraph 5, the due date for Response was July 7, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on July 12, 2024.

The Center appointed Luca Barbero as the sole panelist in this matter on July 23, 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 operates an online sports betting business in Eastern Europe under the 1XBET trademark and has existed since March 9, 2015.

The Complainant is the owner of the following trademark registrations for 1XBET, as per trademark registration certificates submitted as annexes 7 to the Complaint:

- European Union trademark registration No. 014227681 for 1XBET (word mark), filed on June 8, 2015, and registered on September 21, 2015, in classes 35, 41, and 42;
- European Union trademark registration No. 013914254 for 1XBET (figurative mark), filed on April 7, 2015, and registered on July 27, 2015 in classes 35, 41, and 42.

The disputed domain name <1xbet.ooo> was registered on May 7, 2024, and is currently pointed to a gambling website publishing the Complainant's 1XBET 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 the disputed domain name is identical to the trademark 1XBET in which the Complainant has rights.

With reference to rights or legitimate interests in respect of the disputed domain name, the Complainant states the Respondent was not authorized to use the 1XBET mark in the disputed domain name. The Complainant also states that the Respondent is neither intending to make any legitimate use of the disputed domain name, as there is no actual offering of goods or services, nor is he making any commercial or fair use of the disputed domain name.

The Complainant submits that the Respondent may be illegally using the disputed domain name to profit financially from the potential association with the Complainant's popular sports betting trademark or to possibly consider selling the disputed domain name for his own financial gain.

With reference to the circumstances evidencing bad faith, the Complainant indicates that the Respondent deliberately registered the disputed domain name to pursue the goal of misleading potential clients of the Complainant on the basis of similarity with the 1XBET mark, whilst impeding the Complainant from reflecting its mark in a corresponding domain name.

The Complainant informs the Panel that, prior to the filing of the Complaint, it sent an abuse report to the Registrar and the Respondent requesting the transfer of the disputed domain name, but no response was received.

##### **B. Respondent**

The Respondent did not reply to the Complainant's contentions.

#### **6. Discussion and Findings**

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law

that it deems applicable.” Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

- (i) that the disputed domain name registered by the Respondent is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) that the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
- (iii) that the disputed domain name has been registered and is being used 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 a trademark or service mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1. Indeed, the Complainant has provided evidence of a valid trademark registration for the word mark 1XBET.

The entirety of the mark is reproduced within the disputed domain name without any alteration. The Top-Level Domain (“TLD”) in a domain name, such as “.ooo” here, is viewed as a standard registration requirement and as such can be disregarded for the purpose of the test of identity or confusing similarity. Accordingly, the disputed domain name is identical to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), sections 1.7 and 1.11.1.

Therefore, 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.

According to the evidence on record, there is no relationship between the Complainant and the Respondent, and the Complainant has not authorized the Respondent to register or use its trademark or the disputed domain name.

Furthermore, there is no indication before the Panel that the Respondent is commonly known by the disputed domain name.

As mentioned above, the disputed domain name currently resolves to a website featuring the Complainant's 1XBET mark and promoting gambling services identical to the ones provided by the Complainant.

In view of the above-described use of the disputed domain name, the Panel finds that the Respondent is not using the disputed domain name in connection with a bona fide offering of goods or services or a legitimate noncommercial or fair use without intent for commercial gain to misleadingly divert consumers or to tarnish the Complainant's trademark.

Moreover, the disputed domain name, being identical to Complainant's trademark, is inherently misleading. Prior UDRP panels have found that domain names identical to a complainant's trademark carry a high risk of implied affiliation. See [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.

In the present case, the Panel notes that, in light of the prior registration and use of the Complainant's mark 1XBET in connection with the Complainant's gambling services and considering the distinctiveness and reputation of the mark, recognized also in prior WIPO decisions such as *Navasard Limited v. 胡雪 (Jinkon)*, WIPO Case No. [D2024-1638](#) and *Navasard Limited v. Arina Derevianko*, WIPO Case No. [D2023-2563](#), the Respondent knew or should have known the Complainant's trademark at the time of registration. See [WIPO Overview 3.0](#), section 3.2.2.

Moreover, the identity of the disputed domain name with the Complainant's mark and the use of the 1XBET mark made by the Respondent to promote gambling services on the website to which the disputed domain name resolves suggest that the Respondent had actual knowledge of the Complainant's rights in the 1XBET mark and intended to target the Complainant and its mark.

The Panel also finds that the Respondent's use of the disputed domain name in connection with a website displaying the Complainant's 1XBET mark and promoting gambling services identical to those offered by the Complainant under the 1XBET mark, amounts to bad faith under paragraph 4(b)(iv) of the Policy, since the Respondent intentionally attempted to attract Internet users to his website for commercial gain by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation or endorsement of his website and the services promoted therein.

Therefore, the Panel finds that the Complainant has also 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.ooo> be transferred to the Complainant.

*/Luca Barbero/*

**Luca Barbero**

Sole Panelist

Date: August 6, 2024