

## **ADMINISTRATIVE PANEL DECISION**

Moonlite N.V. v. Vladimir Luchaninov  
Case No. D2024-2736

### **1. The Parties**

The Complainant is Moonlite N.V., Curaçao, Netherlands (Kingdom of the), represented by Gabnys Gabniene, Lithuania.

The Respondent is Vladimir Luchaninov, Ukraine.

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

The disputed domain names <bk-leon.bet> and <leon-bet-pt.com> (the “Domain Names”) are both registered with Name.com, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on July 4, 2024. On July 4, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Names. On July 5, 2024, the Registrar transmitted by email to the Center its verification response confirming that the Respondent is listed as the registrant and providing the contact details.

The Center verified that 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 July 18, 2024. In accordance with the Rules, paragraph 5, the due date for Response was August 7, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on August 16, 2024.

The Center appointed Mathias Lilleengen as the sole panelist in this matter on August 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 to ensure compliance with the Rules, paragraph 7.

#### **4. Factual Background**

The Complainant offers online services in gaming and gambling.

The Complainant holds registrations of the trademark LEON, such as United Kingdom trademark registration numbers 00003148764, LEON, and 00003148767, Леон (LEON in Cyrillic), both registered on May 6, 2016. The Complainant's trademarks predate the registration of the Domain Names.

The Domain Names were registered on September 6, 2023, and January 10, 2024. The Domain Names have been inactive or resolved to the Complainant's webpage. At the time of drafting the Decision, the Domain Names resolved to error webpages.

#### **5. Parties' Contentions**

##### **A. Complainant**

The Complainant provides evidence of trademark registrations and argues that the trademark is worldwide known. The Complainant argues that the Domain Names are similar to the Complainant's trademark as they consist of Complainant's trademark with additional words.

The Complainant argues that the Respondent has no rights or legitimate interests in respect of the Domain Names. The Respondent has no relation with the Complainant and its trademark. The Respondent has not made any demonstrable preparations to use the Domain Names in connection with a bona fide offering of goods or services.

The Complainant argues that the Domain Names were registered and are being used in bad faith. The Respondent unfairly uses the Complainant's name and trademark to confuse customers. It violates gambling regulations, but also damages the Complainant's trademark reputation.

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

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

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

##### **6.1. Procedural issue**

Under paragraph 10 of the Rules, the Panel is required to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case, and also that the administrative proceeding takes place with due expedition. As the Respondent's mailing address is stated to be in Ukraine, subject to an international conflict at the date of this Decision that may impact case notification, it is appropriate for the Panel to consider whether the proceeding should continue.

Having considered all the circumstances of the case, the Panel is of the view that it should.

The Panel notes that the courier was not able to deliver the written notice to the Respondent's address in Ukraine. However, the Notification of Complaint was delivered to the Respondent's email address provided by the Registrar without receiving any delivery failure response. The Respondent has not opposed to the continuation of the proceedings. In addition, the registration of the Domain Names occurred at different times after the initiation of the above-referenced conflict, suggesting continued online activity.

The Complainant has specified in the Complaint that any challenge made by the Respondent to any decision to transfer the Domain Names shall be referred to the jurisdiction of the courts of the location of the concerned registrar in the United States of America.

Moreover, as described below, the Panel believes the Respondent has registered the Domain Names in bad faith to target the Complainant and mislead consumers.

## **6.2. Substantial Issues**

### **A. Identical or Confusingly Similar**

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 Domain Names. WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition, ("[WIPO Overview 3.0](#)"), section 1.7.

The Complainant has established that it has rights in the trademark LEON. In this case, the Domain Names incorporate the Complainant's trademark with the additions "bk-" and "-bet-pt". The additions do not prevent a finding of confusing similarity between the Domain Names and the trademark. For the purpose of assessing under paragraph 4(a)(i) of the Policy, the Panel may ignore the generic Top-Level Domain ("gTLD"); see [WIPO Overview 3.0](#), section 1.11.1.

The Panel finds that the Domain Names are confusingly similar to a trademark in which the Complainant has rights in accordance with paragraph 4(a)(i) of the Policy.

### **B. Rights or Legitimate Interests**

Paragraph 4(c) of the Policy provides a list of circumstances in which a respondent may demonstrate rights or legitimate interests in a disputed domain name.

While 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 often impossible 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. 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.

Based on the evidence, the Respondent is not affiliated or related to the Complainant in any way. There is no evidence that the Respondent has registered the Domain Names as a trademark or acquired trademark rights. There is no evidence of the Respondent's use of, or demonstrable preparations to use, the Domain Names or a name corresponding to the Domain Names in connection with a bona fide offering of goods or services. The Panel finds that the composition of the Domain Names, carries a risk of implied affiliation with the Complainant.

The Panel finds that the Respondent has no rights or legitimate interests in respect of the Domain Names in accordance with paragraph 4(a)(ii) of the Policy.

### **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 Respondent most likely knew of the Complainant when he registered the Domain Names. It follows from the composition of the Domain Name and the fame of the Complainant's trademark in the relevant field of business. There is no evidence that the Domain Names have been used to host active websites. Such non-use does not prevent a finding of bad faith under the doctrine of passive holding. See [WIPO Overview 3.0](#) section 3.3. The Complainant's trademark is recognized in the gaming industry, the Respondent has not provided any evidence of actual or contemplated good-faith use, and it is implausible that the Respondent may put the Domain Names to any good faith use. The most likely explanation is that the Respondent has registered the Domain Names in an attempt to unfairly take advantage of the Complainant's trademark.

Based on the available record, 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 the Domain Names <bk-leon.bet> and <leon-bet-pt.com> transferred to the Complainant.

*/Mathias Lilleengen/*

**Mathias Lilleengen**

Sole Panelist

Date: September 3, 2024