

## ADMINISTRATIVE PANEL DECISION

DinoTech Limited v. Viktor Meshko  
Case No. D2024-3457

### 1. The Parties

Complainant is DinoTech Limited, Malta, represented by Abion AB, Sweden.

Respondent is Viktor Meshko, Ukraine.

### 2. The Domain Name and Registrar

The disputed domain name <rekocasino.net> is registered with NameCheap, Inc. (the “Registrar”).

### 3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on August 26, 2024. On August 26, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On August 26, 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 Complainant on August 27, 2024 providing the registrant and contact information disclosed by the Registrar, and inviting Complainant to submit an amendment to the Complaint. Complainant filed an amended Complaint on August 27, 2024.

The Center verified that the Complaint [together with the amendment to the Complaint/amended 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 September 4, 2024. In accordance with the Rules, paragraph 5, the due date for Response was September 24, 2024. Accordingly, the Center notified the Respondent’s default on September 25, 2024.

The Center appointed Lynda J. Zadra-Symes as the sole panelist in this matter on October 3, 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 Maltese-based software company in the I-Gaming and online casino industry. Complainant submits that it has developed a platform that is in line with today's expectation of I-Gaming providing customers with the right tools and a scalable solution to operate their business.

Complainant owns the following trademark registration:

- European Union trademark registration No. 019011260, REKO CASINO, filed April 9, 2024 and registered August 15, 2024.

Complainant registered its domain name <rekocasino.com> on November 10, 2023, prior to filing its trademark application in April, 2024, and launched its online casino game website in or before June 2024, prior to registration of the disputed domain name.

The disputed domain name was registered on June 24, 2024 and currently resolves to a website that appears to be a copycat version of Complainant's official website.

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

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

Complainant contends that it has satisfied each of the elements required under the Policy for a transfer of the disputed domain name.

Notably, Complainant contends that the disputed domain name incorporates Complainant's mark in its entirety, that Respondent has no rights or legitimate interests in respect of the disputed domain name and Respondent has registered and is using the disputed domain name in bad faith.

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

Respondent did not reply to Complainant's contentions.

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

##### **A. Procedural considerations – Location of the Respondent**

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. The location of the Respondent disclosed by the Registrar appears to be in Ukraine, which is subject to an international conflict at the date of this Decision that may impact case notification. It is therefore appropriate for the Panel to consider, in accordance with its discretion under paragraph 10 of the Rules, whether the proceeding should continue.

The record shows that the Center's Written Notice could not be delivered by postal mail to Respondent's mailing address disclosed by the Registrar. However, it appears that the Notification of Complaint's emails were delivered to Respondent's email address, as provided by the Registrar, and there is no evidence of unsuccessful delivery. The Notification of Complaint and the written communication were also sent by the Center via the Registrar's privacy protection email address for the disputed domain name. Respondent thus appears to have received notification of the Complaint and would have been able to formulate and file a Response in the administrative proceeding in case it wished to do so. The Panel concludes that the Respondent allegedly located in Ukraine has been given a fair opportunity to present its case, and so that the administrative proceeding takes place with due expedition, the Panel will proceed to a Decision

accordingly.

## **B. 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.

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. Complainant filed its trademark application, registered its domain name <rekocasino.com> and launched its website prior to the registration of the disputed domain name.

The entirety of the mark 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 first element of the Policy has been established.

## **C. 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 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 Complainant has established a prima facie case that Respondent lacks rights or legitimate interests in the disputed domain name. 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.

Respondent is not a licensee of Complainant. Complainant has not given Respondent permission to register the trademark as a domain name or to use or present an offering of goods and services at the domain name. There is no evidence of any legitimate use of the disputed domain name at the website. At the time of filing the Complaint, the disputed domain name resolved to a website which is a copycat version of Complainant's official website. Such use of an identical website is clearly intended to create confusion among Internet users and create the impression that Respondent's website is affiliated with or endorsed by Complainant. Such use cannot be considered fair use.

The Panel finds the second element of the Policy has been established.

## **D. 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 Complainant's trademark application for REKO CASINO was pending before Respondent registered the disputed domain name. In addition, Complainant registered its domain name <rekocasino.com> in November 2023 and was using its REKO CASINO trademark before Respondent registered the disputed domain name. Thus, the record indicates that Respondent was aware of Complainant's trademark and business when registering the disputed domain name. The record further indicates that Respondent has registered and used the disputed domain name with a copycat website to attempt to attract, for commercial gain, Internet users by creating a likelihood of confusion between Complainant's mark and the disputed domain name.

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 <rekocasino.net> be transferred to Complainant.

*/Lynda J. Zadra-Symes/*

**Lynda J. Zadra-Symes**

Sole Panelist

Date: October 17, 2024