

ADMINISTRATIVE PANEL DECISION

Ninja Global Ltd. v. Ivan Kozarov, Affiliate EOOD
Case No. D2024-3472

1. The Parties

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

The Respondent is Ivan Kozarov, Affiliate EOOD, Bulgaria.

2. The Domain Names and Registrar

The disputed domain names <ninjacasin.com>, <ninjacasini.com>, <ninjacasion.com>, and <ninjacasno.com> are registered with Name.com, 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 names. On the same day, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the disputed domain names which differed from the named Respondent (N/A) and contact information in the Complaint. The Center sent an email communication to the Complainant on August 27, 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 amended Complaint on September 2, 2024.

The Center verified that the Complaint together with the 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 the Respondent of the Complaint, and the proceedings commenced on September 13, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 3, 2024. The Respondent sent an email communication to the Center on September 1, 2024. On October 4, 2024, the Center informed the Parties of the commencement of panel appointment process.

The Center appointed Jeremy Speres as the sole panelist in this matter on October 8, 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 gaming and casino company based in Malta.

The Complainant presented evidence of the following trademark registrations:

- European Union Trademark Registration No. 015743685 NINJACASINO (word mark), registered on November 28, 2016; and
- European Union Trademark Registration No. 017754516 NINJA CASINO (word and figurative mark), registered on May 14, 2018.

No information was provided by the Complainant concerning its use of its marks. The Panel's independent research of prior UDRP decisions involving the Complainant established that the Complainant operates the domain name <ninjacasino.com>, registered on December 16, 2010. See *Ninja Global Ltd v. Super Privacy Service LTD c/o Dynadot / 王鹏聪*, WIPO Case No. [D2022-2875](#). The Internet Archive reveals that that domain name has been used for an online casino trading as NINJA CASINO since at least as early as 2016.

The disputed domain names were all registered on July 29, 2024. Presently, the disputed domain names <ninjacasion.com> and <ninjacasno.com> redirect to the website for a Bulgarian online casino guide, located at the domain name <kazina.bg>. The other two disputed domain names do not presently resolve. The Complainant's evidence establishes that the disputed domain names previously redirected to another online casino, named "MegaRich", located at the domain name <megarich.com>.

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 names. Notably, the Complainant contends that the Respondent registered and has used the disputed domain names in bad faith to profit from a likelihood of confusion between the Complainant's NINJA CASINO mark and the disputed domain names.

B. Respondent

The Respondent contends, in its informal response, that the Complainant has not satisfied the elements required under the Policy for a transfer of the disputed domain names. Notably, the Respondent contends that the disputed domain names are all distinguishable from the Complainant's mark based on their unique spellings of "casino", and "ninja" is a generic term over which the Complainant has no exclusive rights. The Respondent claims to have a legitimate interest in using the disputed domain names for "marketing research activities", specifically "to explore different branding and market possibilities without infringing on the Complainant's rights."

6. Discussion and Findings

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 names. 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.

The Panel finds the mark is recognizable within the disputed domain names. Accordingly, the disputed domain names are confusingly similar to the mark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7. A domain name which consists of a common, obvious, or intentional misspelling of a trademark is considered by UDRP panels to be confusingly similar to the relevant mark for purposes of the first element. [WIPO Overview 3.0](#), section 1.9. Here, the disputed domain names are all almost identical to the Complainant's mark apart from the omission or substitution of a single letter, or inversion of two letters, and are obvious misspellings of the mark.

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 names. 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 names such as those enumerated in the Policy or otherwise.

For the reasons discussed in relation to bad faith below, it is likely that the Respondent acquired the disputed domain names to take advantage of confusion with the Complainant's mark. The Respondent's acquisition and use of the disputed domain names in these circumstances cannot represent a bona fide offering of goods or services under paragraph 4(c)(i) of the Policy and cannot confer rights or legitimate interests. *Sistema de Ensino Poliedro Vestibulares Ltda., Editora Poliedro Ltda. v. Anonymize, Inc. / STANLEY PACE*, WIPO Case No. [D2022-1981](#).

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.

For the following reasons, the Panel finds that it is more likely than not that the Respondent registered and has used the disputed domain names to take advantage of confusion with the Complainant's mark for the Respondent's commercial gain, falling squarely within paragraph 4(b)(iv) of the Policy.

The Complainant would appear to have been trading under its mark as an online casino for roughly eight years prior to registration of the disputed domain names. Internet searches for the Complainant's NINJA CASINO mark are dominated by results relating to the Complainant. The Panel therefore accepts that the Complainant's NINJA CASINO mark enjoyed considerable exposure prior to registration of the disputed domain names. It is thus unlikely that the Respondent, apparently operating in the same industry, was not aware of the Complainant and the potential for confusion; the Respondent at least should have known this. [WIPO Overview 3.0](#), section 3.2.2.

The Respondent's use of the disputed domain names for an online casino entitled "MegaRich", and for an online casino guide called "Kazina", is incongruous with the composition of the disputed domain names themselves. Without any meaningful explanation from the Respondent, this dissonance calls the Respondent's intentions for the disputed domain names into question.

The disputed domain names are obvious misspellings of the Complainant's mark. Internet searches for the second-level portions of the disputed domain names return results dominated by the Complainant's offering. Given the repute of the Complainant's mark predating registration of the disputed domain name, this suggests an intention to benefit the Respondent from Internet users mistyping the Complainant's own domain name, i.e., classic typosquatting, which is a further indicator of bad faith. [WIPO Overview 3.0](#), section 3.2.1.

The Respondent apparently refused to accept delivery of the Center's hardcopy correspondence sent to him via courier. In the circumstances of this case, this suggests an attempt by the Respondent to evade pursuit.

The Respondent did not meaningfully respond to the Complainant's claims. His reference to "marketing research activities" as a justification for registering the disputed domain names is not explained, other than to state that it was to "explore different branding and market possibilities". This is somewhat coy.

The Panel has ruled against the Respondent in an almost identical case involving the domain name <ninjacino.com>, in the case of *Ninja Global Ltd. v. Ivan Kozarov, Affiliate EOOD*, WIPO Case No. [D2024-3403](#). The Panel cannot see any reason for registering five different variations of the Complainant's mark as domain names other than to target the Complainant.

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 names <ninjacasin.com>, <ninjacasini.com>, <ninjacasion.com>, and <ninjacasno.com> be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: October 14, 2024