

## **ADMINISTRATIVE PANEL DECISION**

Rootz Ltd. v. Mihaela Sinclair  
Case No. D2024-3637

### **1. The Parties**

The Complainant is Rootz Ltd., Malta, represented by Wilmark Oy, Finland.

The Respondent is Mihaela Sinclair, Romania.

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

The disputed domain names <wildz.shop>, <wildz.top>, and <wildz.website> are registered with Porkbun LLC (the "Registrar").

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the "Center") on September 8, 2024. On September 9, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On September 10, 2024, 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 (Whois Privacy) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 10, 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 September 15, 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 September 19, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 9, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent's default on October 16, 2024.

The Center appointed Mladen Vukmir as the sole panelist in this matter on October 22, 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 an online casino company established in Malta.

The Complainant is the owner of several earlier WILDZ trademarks registered in various jurisdictions, including WILDZ word trademark registered in the European Union on April 25, 2018, under the registration number 017589813, for goods and services for goods and services in classes 9, 16, 25, 28, 35, 36, 38, 41, 42, and 45 of International Classification (“IC”), WILDZ word trademark registered in the European Union on August 15, 2020, under the registration number 018219521, for services in class 41 of IC, and WILDZ International Registration number 1443415 (word) registered on June 13, 2018, for services in Class 41 of IC (“WILDZ trademarks”).

The Complainant’s website is available at “www.wildz.com”.

The disputed domain name <wildz.shop> was registered on November 26, 2023. The disputed domain name <wildz.top> was registered on November 27, 2023. The disputed domain name <wildz.website> was registered on November 29, 2023. At the time of filing the Complaint, all three disputed domain names were being used to redirect Internet users to a competing online casino called Joya Casino.

#### **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:

(i) The Complainant operates several online casinos offering various online games of chance, and one of the Complainant’s casinos is named Wildz. The Complainant obtained several awards in Malta in its field of business activity. Wildz is a highly successful international online casino, and the Complainant uses its WILDZ brand in connection with online casino games. Wildz has been the fastest growing online casino in the past couple of years. It has provided 200,000,000 free spins to its customers in approximately 1.5 years and the biggest payout in Wildz casino in 2020 was over 4 million Euros.

(ii) The disputed domain names <wildz.shop>, <wildz.top>, and <wildz.website> are confusingly similar to WILDZ trademark, while they reproduce the Complainant’s WILDZ trademark in its entirety.

(iii) The Respondent has no rights or legitimate interests in respect of the disputed domain names. The Respondent has no permission or authorization to use the Complainant’s WILDZ trademark. There is no evidence that the Respondent is commonly known by the disputed domain names or that owns a trademark or is making a legitimate noncommercial or fair use of the disputed domain names. The Complainant has not licensed, permitted, or authorized the Respondent to use the Complainant’s WILDZ trademark.

(iv) The disputed domain names were registered and are being used in bad faith. The Respondent has registered the disputed domain names which exclusively include WILDZ trademark with an intent to capitalize on the goodwill of the Complainant. The Respondent is opportunistically using WILDZ trademark to attract and divert Internet traffic to the websites created under the disputed domain names which act as direct links to a competing online casino called Joya Casino. There seems no question that the Respondent was aware of the Complainant’s Wildz casino at the time of registration of the disputed domain names.

Considering the complete reproduction of the WILDZ trademark with a link to a competing Internet casino, it is likely to confuse and mislead potential customers. The Respondent is using the disputed domain names to intentionally attempt to attract, for commercial gain, Internet users to its websites by creating a likelihood of confusion with the WILDZ trademark as to the source, sponsorship, affiliation or endorsement of the Respondent's websites.

## **B. Respondent**

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

## **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 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 the WILDZ trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.2.1.

The entirety of the WILDZ trademark is reproduced within the disputed domain names. Accordingly, the disputed domain names are identical to the trademark for the purposes of the Policy. [WIPO Overview 3.0](#), section 1.7.

The generic Top-Level Domains ".shop", ".top", and ".website" are a standard registration requirements and as such may be disregarded under the first element confusing similarity test. [WIPO Overview 3.0](#), section 1.11.1.

The Panel concludes that the Complainant has met the requirements of paragraph 4(a)(i) of the Policy by proving its rights to the WILDZ trademark and demonstrating that the disputed domain names are identical to its WILDZ trademark.

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.

The Respondent is not authorized by the Complainant to use the WILDZ trademarks nor is there indication that the Respondent is known under the disputed domain names. There is no relationship between the Complainant and the Respondent, which is apparent from the records, nor does it arise that the Complainant have ever licensed or otherwise permitted the Respondent to use their WILDZ trademarks or to register the disputed domain names.

Furthermore, there is no evidence nor is it otherwise apparent to the Panel that the Respondent uses or is preparing to use the disputed domain names in connection with a bona fide offering of goods or services nor as a legitimate noncommercial or fair use of the disputed domain names. The Respondent's use of the disputed domain names is to divert traffic to websites of competing online casino called Joya Casino.

The nature of the disputed domain names, consisting exclusively of the Complainant's WILDZ trademark indicates the Respondent's awareness of the Complainant and its WILDZ trademark, and creates a high risk of implied affiliation or association with the Complainant, which does not support a finding of any rights or legitimate interests in this case. [WIPO Overview 3.0](#), section 2.5.1

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 Respondent has registered the disputed domain names which exclusively include the Complainant's WILDZ trademark. The Respondent's websites created under the disputed domain names act as direct links to a competing online casino called Joya Casino.

This Panel accepts that the Complainant's WILDZ trademarks are distinctive, well-known within the online gambling industry, and that it is more likely than not that the Respondent was aware of the Complainant and its WILDZ casino and trademarks when it registered the disputed domain names, particularly when considering the use to which the disputed domain names were put. The Respondent is using the Complainant's WILDZ trademark to attract and divert Internet traffic to a competing Internet casino.

In this Panel's view, the Respondent is, by using WILDZ trademarks in the disputed domain names, intentionally attempting to attract, for commercial gain, Internet users by creating a likelihood of confusion with the Complainant and its WILDZ trademarks.

It is well established that if a respondent has intentionally attempted to attract for commercial gain by creating a likelihood of confusion with the complainant's trademark it is an indicator of bad faith.

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 <wildz.shop>, <wildz.top>, and <wildz.website> be transferred to the Complainant.

*/Mladen Vukmir/*

**Mladen Vukmir**

Sole Panelist

Date: November 5, 2024