

ADMINISTRATIVE PANEL DECISION

MGM Resorts International v. 王平

Case No. D2024-3688

1. The Parties

The Complainant is MGM Resorts International, United States of America (“United States”), represented by Demys Limited, United Kingdom.

The Respondent is 王平, China.

2. The Domain Name and Registrar

The disputed domain name <betmgm.bet> is registered with Dynadot Inc (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 11, 2024. On September 12, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On September 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 September 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 amended Complaint on September 17, 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 20, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 10, 2024. The Respondent sent email communications to the Center on September 13 and 20, 2024. On October 11, 2024, the Center informed the Parties that it would proceed with panel appointment.

The Center appointed Jeremy Speres 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 a global gaming and entertainment company, operating hotels and casinos, meeting and conference spaces, live and theatrical entertainment, as well as a selection of restaurants, nightlife, and retail options since the 1960s.

In 2018, the Complainant ventured into the digital betting space with the launch of BetMGM, a gaming, casino and online sports betting platform. The brand operates both online and within the Complainant's network of casinos in the United States and the United Kingdom.

The Complainant owns numerous trademark registrations for its BetMGM mark, including United States Trademark Registration No. 6025462 BETMGM in classes 9 and 41, with a registration date of March 31, 2020.

The disputed domain name was registered on January 30, 2024, and currently redirects to a website stating that the disputed domain name "is not properly configured". The Complainant's evidence establishes that the disputed domain name previously redirected to a website offering the disputed domain name for sale for USD 9,000.

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 Respondent registered the disputed domain name with full knowledge of the Complainant's trademark rights primarily for the purpose of selling it to the Complainant, or a competitor, for a price exceeding its out-of-pocket costs related to the disputed domain name.

B. Respondent

The Respondent did not formally reply to the Complainant's contentions. In the Respondent's informal communications, the Respondent denied having registered and used the disputed domain name in bad faith. The following statement by the Respondent characterizes their response:

"There is no confusion between my domain name and the company's brand, trademark, etc. Although there may be some similarities in the domain name, it is not enough to constitute confusion. My domain name has its unique meaning and purpose, which is clearly different from the company's business and brand image."

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 registered 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 also accepts that the Complainant's evidence establishes that its BetMGM mark was well known and enjoyed common law rights prior to 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.

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. Generally speaking, UDRP panels have found that domain names identical to a complainant's trademark, as in this case, carry a high risk of implied affiliation. [WIPO Overview 3.0](#), section 2.5.1. The Complainant's BetMGM mark was in use and well known prior to registration of the disputed domain name, the disputed domain name is identical to the Complainant's mark and the Complainant has certified that the disputed domain name is unauthorized by it. The Respondent has not meaningfully 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.

For the reasons addressed below in relation to bad faith, it is likely that the Respondent intended to sell the disputed domain name to the Complainant or a competitor, which cannot confer rights or legitimate interests.

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 name primarily for the purpose of selling, renting, or otherwise transferring the disputed domain name to the Complainant or to a competitor for valuable consideration in excess of the Respondent's documented out-of-pocket costs directly related to the domain name, falling squarely within paragraph 4(b)(i) of the Policy.

UDRP panels have consistently found that the registration of a domain name that is confusingly similar to a well-known trademark, as in this case, can by itself create a presumption of bad faith. [WIPO Overview 3.0](#), section 3.1.4. The Respondent has failed to meaningfully rebut this presumption. The chosen Top-Level

domain (“TLD”) “.bet” clearly relates to the industry in which the Complainant uses its BetMGM mark and in which it is well known, which strongly points to targeting. [WIPO Overview 3.0](#), section 3.2.1.

Internet searches for the Second-Level portion of the disputed domain name return results exclusively relating to the Complainant’s offering. Combined with the notoriety of the Complainant’s mark, which comprises the entirety of the disputed domain name, this indicates that there is no conceivable good faith use for the disputed domain name, which again points to targeting. [WIPO Overview 3.0](#), section 3.1.4.

Here the disputed domain name was offered for sale for an amount which is likely, without evidence from the Respondent to the contrary, in excess of the Respondent’s out-of-pocket expenses relating directly to the disputed domain name. When a domain name is identical to a distinctive mark, as is the case here, panels are skeptical of claims that a domain name was merely registered for legitimate speculation as opposed to targeting a specific brand owner. [WIPO Overview 3.0](#), section 3.1.1.

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 <betmgm.bet> be transferred to the Complainant.

/Jeremy Speres/

Jeremy Speres

Sole Panelist

Date: October 28, 2024