

## **ADMINISTRATIVE PANEL DECISION**

**BML Group Limited v. Johan Andersson**  
**Case No. D2024-3852**

### **1. The Parties**

The Complainant is BML Group Limited, Malta, represented by Abion GmbH, Switzerland.

The Respondent is Johan Andersson, Sweden.

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

The disputed domain name <betssonodds.com> (the “Domain Name”) is registered with GoDaddy.com, LLC (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on September 20, 2024. On September 23, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On September 24, 2024, the Registrar transmitted by email to the Center its verification response disclosing registrant and contact information for the Domain Name which differed from the named Respondent (Registration Private, Domains By Proxy, LLC) and contact information in the Complaint. The Center sent an email communication to the Complainant on September 24, 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 27, 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 October 2, 2024. In accordance with the Rules, paragraph 5, the due date for Response was October 22, 2024. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on October 24, 2024.

The Center appointed Ian Lowe as the sole panelist in this matter on October 30, 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 part of the Betsson group, and a subsidiary of Betsson AB which is incorporated in Sweden. The company's business started in 1963. The Betsson group is one of the world's largest gaming groups, providing gaming entertainment for more than 50 years. It provides a wide selection of world-class digital and mobile gaming entertainment available for players anytime and anywhere, under multiple brands including BETSSON, BETSAFE, NORDICBET and CASINOEURO. The Betsson group offers Sportsbook, Casino and other games via gaming licenses in twenty-three countries. The Betsson group employs around 2,200 people of more than 70 nationalities, in 18 locations.

The Complainant is the proprietor of numerous trademarks around the world comprising BETSSON, including Benelux trademark No. 781698 BETSSON, registered on December 6, 2005; European Union trademark number 006517056 BETSSON registered on September 30, 2008; and the comparable United Kingdom trademark number UK00906517056, created following the United Kingdom's exit from the European Union, and also treated as registered on September 30, 2008

The Domain Name was registered on June 5, 2019. It resolves to a parking page stating "Domain configuration pending". The Complainant has adduced evidence that in November and December 2021 the Domain Name apparently resolved to a "blog-type" website in Russian allegedly related to health topics such as sports and food. The website seemed partially developed and did not display the name of the person operating it.

The Complainant has also adduced evidence, based on the registrant information provided by the Registrar, the Complainant's employment records, and publicly available databases, that the Respondent is likely to be a former employee of the Complainant.

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

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

The Complainant contends that the Domain Name is confusingly similar to its BETSSON trademark, that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered and is using the Domain Name in bad faith.

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

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

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

According to paragraph 4(a) of the Policy, for this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the Domain Name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
- (ii) the Respondent has no rights or legitimate interests in respect of the Domain Name; and
- (iii) the Domain Name has been registered and is being used in bad faith.

### **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 uncontested rights in the trademark BETSSON (the "Mark") by virtue of its trademark registration. Ignoring the generic Top-Level Domain ".com", the Domain Name comprises the Complainant's mark together with the term "odds", a further allusion to the betting business of the Complainant. In the Panel's view, this addition does not prevent a finding of confusing similarity between the Domain Name and the Complainant's mark for the purposes of the first element under the Policy. Accordingly, the Panel finds that the Domain Name is confusingly similar to a mark in which the Complainant has rights.

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. Accordingly, 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.

The Respondent has not used the Domain Name for a bona fide offering of goods or services. There is no question of the Respondent being known by the Domain Name or of the Complainant having given permission to the Respondent to register or use the Domain Name. The Domain Name appears to have been used in the past for a blog-type website in the Russian language allegedly relating to sports and food topics. It does not currently resolve to an active website. In the Panel's view, neither the previous apparent use of the Domain Name, nor an inactive domain name, can indicate rights or legitimate interests.

In addition, the nature of the Domain Name carries a risk of implied affiliation with the Complainant's Mark.

Having reviewed the available evidence, the Panel finds that the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the Domain Name. 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 Domain Name such as those enumerated in the Policy or otherwise.

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

### **C. Registered and Used in Bad Faith**

The Domain Name comprises the entirety of the Complainant's BETSSON mark together with the term "odds", which reflects the nature of the Complainant's business. In the Panel's view, in view of the notoriety of the Mark and its longstanding use by the Complainant, the term BETSSON can only be taken to refer to the Complainant. Noting also the evidence that the Respondent may well be a former marketing coordinator

employed by the Complainant, the Panel is satisfied that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name.

Paragraph 4(b) of the Policy sets out a list of non-exhaustive circumstances that may indicate that a domain name was registered and used in bad faith, but other circumstances may be relevant in assessing whether a respondent's registration and use of a domain name is in bad faith. [WIPO Overview 3.0](#), section 3.2.1.

In light of the nature of the Domain Name, the Panel cannot conceive a legitimate use of the Domain Name by the Respondent, and Panels have found that the non-use of a domain name would not prevent a finding of bad faith under the doctrine of passive holding. [WIPO Overview 3.0](#), section 3.3. Having reviewed the available evidence, the Panel notes the distinctiveness and reputation of the Complainant's trademark, and the composition of the Domain Name, and finds that in the circumstances of this case the passive holding of the Domain Name does not prevent a finding of bad faith under the Policy.

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 Domain Name <betssonodds.com> be transferred to the Complainant.

*/Ian Lowe/*

**Ian Lowe**

Sole Panelist

Date: November 13, 2024