

## **ADMINISTRATIVE PANEL DECISION**

Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco v.  
Venom Mious

Case No. D2024-4241

### **1. The Parties**

The Complainant is Société Anonyme des Bains de Mer et du Cercle des Etrangers à Monaco, Monaco, represented by De Gaulle Fleurance & Associés, France.

The Respondent is Venom Mious, Indonesia.

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

The disputed domain names <monaco99aa.com>, <monaco99bb.com>, <monaco99cc.com>, <monaco99dd.com>, <monaco99ee.com>, <monaco99ff.com>, <monaco99gg.com>, <monaco99hh.com>, <monaco99ii.com>, and <monaco99jj.com> are registered with NameCheap, Inc. (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on October 14, 2024. On October 15, 2024, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain names. On October 15, 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 (“Privacy service provided by Withheld for Privacy ehf”) and contact information in the Complaint. The Center sent an email communication to the Complainant on October 16, 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 October 21, 2024.

The Center verified that the Complaint together with 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 24, 2024. In accordance with the Rules, paragraph 5, the due date for Response was November 13, 2024. The Respondent did not submit any response.

Accordingly, the Center notified the Respondent's default on November 14, 2024.

The Center appointed Ian Lowe as the sole panelist in this matter on November 18, 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 company founded in 1863 organized under the laws of Monaco. By Sovereign Order, it has a monopoly over the provision of casino gaming services in the Principality of Monaco. Since 1863 the Complainant has operated the famous Casino de Monte-Carlo in Monaco. It also operates three other casinos in Monaco (the Monte-Carlo Bay Casino, the Casino Café de Paris and the Sun Casino) as well as a complete resort including two palaces and two deluxe hotels, 40 conference and banqueting rooms, 34 restaurants and bars and three spas, as well as cultural and leisure venues including the Monte-Carlo Golf Club and the Monte-Carlo Country Club.

The Complainant is the proprietor of a number of registered Monaco trademarks comprising MONACO, including trademark number 02.23234 for CASINO DE MONACO, registered on September 30, 2002; trademark number 09.27373 for MONACOBET, registered on July 15, 2009; and trademark number 09.27380 for MONACOPOKER, also registered on July 15, 2009.

The disputed domain names were all registered between May 12 and May 27, 2024. They are all registered in the name of the Respondent who has failed to give specific address details in Jakarta, Indonesia; whose name in the Panel's view is strikingly similar to "venomous"; and whose email address includes the name of a famous Indonesian photographer.

The Panel has been unable to access an active website at any of the disputed domain names whether using a United Kingdom web browser or an Indonesian VPN. However, at the time of preparation of the Complaint, the Complainant was able to access a website at "www.monaco99aa.com" from Indonesia. The website contained references to "Monaco99" as favicon and logo and on the illustration appearing on the home page; it associated the term "Monaco99" with a crown; and it claimed to be "trusted online gambling sites" (in the Indonesian language); and offered many gambling games.

#### **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.

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

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

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

For this Complaint to succeed in relation to the disputed domain names, the Complainant must prove that:

- (i) each of the disputed domain names is confusingly similar to a trademark or service mark in which the Complainant has rights;
- (ii) the Respondent has no rights or legitimate interests in respect of the disputed domain names; and
- (iii) the disputed domain names have been registered and are 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 a number of registered trademarks of which the distinctive element is MONACO, which has been used in connection with the Complainant's provision of gambling services for over 150 years. Ignoring the generic Top-Level Domain ".com", each of the disputed domain names comprises the distinctive element of the Complainant's MONACO trademarks together with the number "99" and a double letter ("aa" through "jj"). The Complainant submits that the number "99" is a lucky number in the casino gaming world. In the view of the Panel, the additions do not prevent a finding of confusing similarity between each of the disputed domain names and the Complainant's MONACO trademarks. Accordingly, the Panel finds that each of the disputed domain names is confusingly similar to a trademark in which the Complainant has rights, and 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 disputed domain names for a bona fide offering of goods or services, but rather for a website, at least in regard to the domain name <monaco99aa.com>, purporting to offer gambling services where the prominent use of the term "Monaco99" and a golden crown indicate an intended association with the Complainant.

Having reviewed the available evidence, 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 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.

As a result of the Complainant's operation of the Casino de Monte-Carlo in Monaco for over 150 years, the Panel is in no doubt that the Complainant and its MONACO marks are well-known internationally, particularly in the gambling sector. In light of the nature of the disputed domain names, comprising as they do the distinctive element of the Complainant's MONACO marks together with the number "99" (evocative of

gambling) and a further double letter, the Panel is satisfied that the Respondent had the Complainant and its rights in its MONACO marks in mind when it registered each of the disputed domain names.

The Complainant has adduced evidence that the disputed domain name <monaco99aa.com> resolves to an active gambling platform, and the Panel is entitled to assume that the other disputed domain names also resolve in the same way or are intended to do so.

On the balance of probabilities, the Panel considers that the Respondent has registered and used the disputed domain names to target the Complainant and its trademarks in bad faith and to attract Internet users to its website by creating a likelihood of confusion between the Complainant's marks and the disputed domain names, for commercial gain.

Furthermore, the Respondent has given inaccurate contact details in registering each of the disputed domain names, which is further evidence of bad faith.

Accordingly, the Panel finds the third element of the Policy has been established.

## **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 <monaco99aa.com>, <monaco99bb.com>, <monaco99cc.com>, <monaco99dd.com>, <monaco99ee.com>, <monaco99ff.com>, <monaco99gg.com>, <monaco99hh.com>, <monaco99ii.com>, and <monaco99jj.com> be transferred to the Complainant.

*/Ian Lowe/*

**Ian Lowe**

Sole Panelist

Date: December 2, 2024