

ADMINISTRATIVE PANEL DECISION

Navasard Limited v. Lonnie Kim

Case No. DCO2023-0008

1. The Parties

The Complainant is Navasard Limited, Cyprus, represented by SafeNames Ltd., United Kingdom.

The Respondent is Lonnie Kim, Canada.

2. The Domain Name and Registrar

The disputed domain name <1xbet.co> is registered with NameSilo, LLC (the “Registrar”).

3. Procedural History

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on January 25, 2023. On January 25, 2023, the Center transmitted by email to the Registrar a request for registrar verification in connection with the disputed domain name. On January 26, 2023, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on January 30, 2023 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 February 1, 2023.

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 February 2, 2023. In accordance with the Rules, paragraph 5, the due date for Response was February 22, 2023. The Respondent did not submit any response. Accordingly, the Center notified the Respondent’s default on February 24, 2023.

The Center appointed Richard C.K. van Oerle as the sole panelist in this matter on March 6, 2023. 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

According to information provided by the Complainant, it provides online sport betting services under the trademark 1XBET. The services offered through the Complainant's official website, located at <1xbet.com>, allow users to bet on more than 1,000 sporting events every day, and over 400,000 users are registered to use the online services offered by the Complainant. The Complainant's website, "www.1xbet.com" garners over 2 million visits globally per month and is listed as 6th overall for online traffic within the category of sport betting. The Complainant's official website is available in 47 different languages and its trademark 1XBET is listed as one of the most popular online bookmakers in the jurisdiction of Moldova and in the top 20 international bookmakers for global daily visitors, according to comparative directory Top100Bookmakers.

The Complainant holds trademark registrations for the trademark 1XBET including, *inter alia*:

- European Union trademark 1XBET (device) registration No. 013914254, registered on July 27, 2015 in International Classes 35, 41 and 42;
- European Union trademark 1XBET (word) registration No. 014227681, registered on September 21, 2015 in International Classes 35, 41 and 42.

Both registrations have been duly renewed and are still valid. These registrations will jointly be referred to, in singular, as the "Trademark".

The disputed domain name is registered on July 27, 2016, and resolves to a parking page with Pay-Per-Click ("PPC") links targeting, among others, the Complainant's field of activity.

Furthermore, the Complainant submits that a cease and desist letter was sent to the Respondent via email (using the email address available in the Whois records) on August 18, 2022 to further cease and desist the use of the Trademark and to transfer the disputed domain name. The communication remained unanswered.

The Complainant requests that the disputed domain name be transferred to the Complainant.

5. Parties' Contentions

A. Complainant

The Complainant contends that the disputed domain name, <1x.bet.co>, is confusingly similar to the Complainant's 1XBET Trademark as the disputed domain name contains, in its entirety without alteration or adornment, the Trademark, and is, therefore, identical for the purposes of this element of the Policy. The country code Top-Level Domain ("ccTLD") ".co", featured in the disputed domain name, should be disregarded under the first element as it is a standard registration requirement.

The Complainant submits that the Respondent lacks a right or a legitimate interest in the disputed domain name.

The Complainant argues that the Respondent does not have any trademark rights to the term "1XBET". There is also no evidence that the Respondent retains unregistered trademark rights to the term "1XBET". Neither has the Respondent received any license from the Complainant to use a domain name featuring the Trademark.

The Complainant further contends that the disputed domain name is used by the Respondent to host PPC hyperlinks, a few of which redirect users to a search engine which advertises links to third-party websites, including gambling websites, which are direct competitors to the Complainant, in direct competition with the Complainant.

The Complainant also submits that this is neither a *bona fide* offering of goods or services, nor a legitimate noncommercial use of the Trademark. Also, the Respondent is not commonly known by the distinctive term "1XBET".

The Complainant contends that the disputed domain name was registered and is being used in bad faith because: (i) the Complainant's earliest trademark registration predates the creation date of the disputed domain name, and the "1XBET" name has gained significant reputation for the provision of online betting since the Complainant's establishment in 2007; (ii) searches for "1XBET" on popular Internet search engines list the Complainant's brand and services as the first result, and any average Internet user has access to the 1XBET Trademark registrations as they can be found on public trademark databases; (iii) the disputed domain name comprises solely of the Complainant's fanciful Trademark, which has no descriptive or generic meaning, for any reason other than to target the Trademark; (iv) the Respondent has not replied to the cease and desist letter that was sent on August 18, 2022; a lack of reply to a cease and desist letter prior to commencing the proceedings infers bad faith behavior; the Respondent has not provided evidence of any actual or contemplated good-faith use but chose not to respond; (v) the disputed domain name currently resolves to a webpage that displays PPC hyperlinks, redirecting users to third-party websites, amongst which are websites of competitors of the Complainant, in a clear attempt to generate a commercial gain by misleading online users with the disputed domain name.

B. Respondent

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

6. Discussion and Findings

According to paragraph 15(a) of the Rules: "A Panel shall decide a complaint on the basis of the statements and documents submitted and in accordance with the Policy, these Rules and any rules and principles of law that it deems applicable." Paragraph 4(a) of the Policy directs that the Complainant must prove each of the following:

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

A. Identical or Confusingly Similar

The Complainant has established rights in the 1XBET trademarks. The Trademark registrations predate the registration of the disputed domain name.

The disputed domain name incorporates the Trademark in their entirety and differs from this Trademark only in the addition of the ".co" ccTLD. Owing to the fact that the Top-Level Domain suffix is generally disregarded under the test for confusing similarity for the purposes of the Policy, the Panel finds that the disputed domain name <1xbet.co> is identical to the Trademark in which the Complainant has rights.

Accordingly, the Panel finds that the Complainant has satisfied paragraph 4(a)(i) of the Policy.

B. Rights or Legitimate Interests

Under the second element, the Complainant must make out a *prima facie* case that the Respondent lacks rights to or legitimate interests in the disputed domain name. Once the Complainant fulfills this requirement, the Respondent needs to present evidence showing that it does have rights to or legitimate interests in the disputed domain name. See, section 2.1 of the WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ([“WIPO Overview 3.0”](#)).

The Panel finds that the Complainant has made a *prima facie* case that the Respondent does not have rights or legitimate interests in the disputed domain name.

The Respondent does not appear to be commonly known by the name “1XBET” or by any similar name. The Respondent has no connection or affiliation with the Complainant, and the Complainant has not licensed or otherwise authorized the Respondent to use or register any domain name incorporating the Complainant’s Trademark.

As to whether the use to which the disputed domain name is being put might amount to a *bona fide* offering of goods and services, the [WIPO Overview 3.0](#), section 2.9 explains that “Applying UDRP paragraph 4(c), panels have found that the use of a domain name to host a parked page comprising PPC links does not represent a *bona fide* offering where such links compete with or capitalize on the reputation and goodwill of the complainant’s mark or otherwise mislead Internet users”. Because in this case, indeed, links on the parking page redirect to websites competing with the Complainant, the Respondent does not appear to make any legitimate noncommercial or fair use of the disputed domain name, nor any use in connection with a *bona fide* offering of goods or services.

The Respondent has not come forward with any explanation that demonstrates any rights or legitimate interests in the disputed domain name. The Respondent has not replied to the Complainant’s contentions, claiming any rights or legitimate interests in the disputed domain name.

The Panel finds that the Complainant has satisfied paragraph 4(a)(ii) of the Policy.

C. Registered and Used in Bad Faith

The disputed domain name was registered after the Complainant registered its Trademark, and many years after the Complainant began operating its business under that brand. The evidence on the record provided by the Complainant with respect to its business operations and use of its Trademark, combined with the absence of any evidence provided by the Respondent to the contrary, is sufficient to satisfy the Panel that, at the time of registration of the disputed domain name, the Respondent knew of the Trademark and knew that it had no rights or legitimate interests in the disputed domain name. Moreover, the construction of the disputed domain name itself strongly suggests that the Respondent was aware of the Trademark. The disputed domain name replicates the Trademark in its entirety without alteration or adornment.

Based on the information and the evidence provided by the Complainant, the Respondent has never used and does not intend to use the disputed domain name in connection with a *bona fide* offering of goods or services, as in the present case the disputed domain name redirects Internet users to a parking page with PPCs, displaying commercial links, including links directly targeting the Complainant’s field of activity, which are likely to generate revenues.

Furthermore, the failure of the Respondent to submit a response or to provide any evidence of actual or contemplated good faith use, or to this Complaint is further evidence of bad faith, given all the circumstances of the case (see [WIPO Overview 3.0](#), section 3.2).

Based on the evidence and circumstances of this case, the Panel concludes that the requirement of registration and use of the disputed domain name in bad faith under paragraph 4(a)(iii) of the Policy has been fulfilled.

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 <1xbet.co> be transferred to the Complainant.

/Richard C.K. van Oerle/

Richard C.K. van Oerle

Sole Panelist

Date: March 14, 2023