

## **ADMINISTRATIVE PANEL DECISION**

mBet Solutions N.V. v. Husnu Erseven  
Case No. DIO2022-0019

### **1. The Parties**

The Complainant is mBet Solutions N.V., Curaçao, Netherlands, represented by Greenberg & Lieberman, LLC, United States of America (“United States”).

The Respondent is husnu erseven, Türkiye.

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

The disputed domain name <sportsb.io> (the “Domain Name”) is registered with Key-Systems GmbH (the “Registrar”).

### **3. Procedural History**

The Complaint was filed with the WIPO Arbitration and Mediation Center (the “Center”) on April 25, 2022. On April 26, 2022, the Center transmitted by email to the Registrar a request for registrar verification in connection with the Domain Name. On May 4, 2022, 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 and contact information in the Complaint. The Center sent an email communication to the Complainant on May 4, 2022, 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 the same day.

The Center verified that the Complaint together with the amendment to the Complaint satisfied the formal requirements of the .IO Domain Name Dispute Resolution Policy (the “Policy”), the Rules for .IO Domain Name Dispute Resolution Policy (the “Rules”), and the WIPO Supplemental Rules for .IO 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 May 17, 2022. In accordance with the Rules, paragraph 5, the due date for Response was June 6, 2022. The Respondent sent several email communications on May 7, June 8, and June 10, 2022. The Center informed the Parties of its commencement of Panel Appointment Process on June 7, 2022.

The Center appointed Ian Lowe as the sole panelist in this matter on June 13, 2022. 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.

In response to Panel Orders dated June 28, 2022 and July 4, 2022, the Complainant further amended the Complaint, substantially clarified the identity of the Complainant, and provided further evidence of the Complainant's rights in a relevant trademark.

#### **4. Factual Background**

Although there remain inconsistencies in the Complaint, despite the Panel Orders and further submissions by the Complainant referred to above, the Panel accepts that the Complainant is mBet Solutions N.V. of Curaçao, Netherlands. The Complainant has operated an online sports gaming and live online casino services website at "www.sportsbet.io" since shortly after it registered the <sportsbet.io> domain name in October 2013. The website allows consumers in a number of countries around the world (though not the United States or other restricted countries) to place wagers on professional sporting events and on games of chance. Over the past eight years, the Complainant has spent over GBP 30 million on sponsorship and marketing efforts, including deals with Arsenal and Southampton Premiership football clubs in the United Kingdom.

The Complainant is the proprietor of European Union trademark number 017609785 "Sportsbet.io" and device registered on May 9, 2018.

The Domain Name was registered on February 23, 2022. It does not presently resolve to an active website, but at the time of preparation of the Complaint it resolved to a website that was a copy of the Complainant's website as displayed to Internet users in a number of jurisdictions including Türkiye.

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

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

The Complainant contends that the Domain Name is identical or confusingly similar to its SPORTSBET.IO trademark (the "Mark"), that the Respondent has no rights or legitimate interests in respect of the Domain Name, and that the Respondent registered or is using the Domain Name in bad faith.

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

The Respondent did not reply formally to the Complainant's contentions, but sent a number of emails to the Center in which he offered to transfer the Domain Name to the Complainant.

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

For this Complaint to succeed in relation to the Domain Name the Complainant must prove that:

- (i) the Domain Name is 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 or is being used in bad faith.

### **A. Identical or Confusingly Similar**

The Complainant has uncontested rights in the Mark, both by virtue of its trademark registration (of which the substantive part is "Sportbet.io") and as a result of its widespread use and promotion of the Mark over several years. The Domain Name, including the country code Top Level Domain ("ccTLD") ".io", differs from the Mark by the omission of the letters "et". In the Panel's view, the omission of these letters does not prevent a finding of confusing similarity between the Mark and the Domain Name, and is likely an example of what is commonly known as typosquatting. Accordingly, the Panel finds that the Domain Name is confusingly similar to a trademark in which the Complainant has rights.

### **B. Rights or Legitimate Interests**

The Complainant has made out a *prima facie* case that the Respondent could have no rights or legitimate interests in respect of the Domain Name. The Respondent has no connection with the Complainant and there is no evidence that the Respondent has ever been known by the Domain Name. The Respondent has used the Domain Name not in connection with a *bona fide* offering of goods or services, but for a website purporting to be a SPORTSBET.IO website. The Panel therefore considers that the Domain Name could only have been registered for improper purposes and finds that this could not give rise to rights or legitimate interests in respect of the Domain Name.

The Respondent has chosen not to respond formally to the Complaint or to take any steps to counter the *prima facie* case established by the Complainant, but has offered in emails to the Center to transfer the Domain Name to the Complainant.

In the circumstances, the Panel finds that the Respondent does not have any rights or legitimate interests in respect of the Domain Name.

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

In light of the use to which the Domain Name has been put by the Respondent, namely to resolve to a website comprising a copy of the Complainant's website, the Panel is in no doubt that the Respondent had the Complainant and its rights in the Mark in mind when it registered the Domain Name. In the absence of any substantive response by the Respondent, the Panel is satisfied that the Respondent has used the Domain Name for improper or fraudulent purposes, intending Internet users to be misled into believing that the Domain Name was operated or authorized by the Complainant. In the Panel's view, such activity, clearly with a view to commercial gain, amounts to paradigm bad faith registration and use for the purposes of the Policy.

Accordingly, the Panel finds that the Domain Name has been registered and is being used in bad faith.

## **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 <sportsb.io> be transferred to the Complainant.

/Ian Lowe//

**Ian Lowe**

Sole Panelist

Date: July 12, 2022