

## ADMINISTRATIVE PANEL DECISION

Rillius Holding Limited v. Буров Богдан Вікторович  
Case No. DUA2024-0009

### 1. The Parties

The Complainant is Rillius Holding Limited, Cyprus, represented internally.

The Respondent is Буров Богдан Вікторович, Ukraine.

### 2. The Domain Name and Registrar

The disputed domain name <casino-parimatch.com.ua> is registered with NIC.UA LLC (the “Registrar”).

### 3. Procedural History

The Complaint was filed in English with the WIPO Arbitration and Mediation Center (the “Center”) on July 4, 2024. On July 5, 2024, the Center transmitted by email to the Registrar a request for Registrar verification in connection with the disputed domain name. On July 8, 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 (Unidentified person) and contact information in the Complaint. The Center sent an email communication to the Complainant on July 19, 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 August 6, 2024.

On July 19, 2024, the Center informed the parties in English and Ukrainian, that the language of the registration agreement for the disputed domain name (the “Registration Agreement”) is Ukrainian. .

The Complainant requested English to be the language of the proceedings on August 1, 2024. The Respondent did not comment on the language of the proceedings.

The Center verified that the Complaint together with the amended Complaint satisfied the formal requirements of .UA Domain Name Dispute Resolution Policy (the “.UA Policy”), the .UA Rules for .UA Domain Name Dispute Resolution Policy (the “.UA Rules”), and the WIPO Supplemental Rules for .UA Domain Name Dispute Resolution Policy (the “WIPO Supplemental Rules”).

In accordance with the .UA Rules, paragraphs 2(a) and 4(a), the Center formally notified the Respondent of the Complaint in both English and Ukrainian, and the proceedings commenced on August 7, 2024. In accordance with the .UA Rules, paragraph 5(a), the due date for Response was August 27, 2024. The

Respondent did not submit any response. Accordingly, the Center notified the Respondent's default and its consequences on September 6, 2024.

The Center appointed Anton Polikarpov as the sole panelist in this matter on September 13, 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 .UA Rules, paragraph 7.

#### 4. Factual Background

The Complainant is a Cyprus based company with activities primarily related to business management, advertising and education. It is a parent company that controls a number of legal entities, whose main activities include organizing educational and entertainment events, sports competitions, gambling, and betting services.

The Complainant holds multiple trademark registrations in various jurisdictions, including key marks like PARIMATCH, namely:

- Ukrainian Trademark registration No. 178808  for , registered on November 25, 2013, covering services in Classes: 35, and 41;
- International trademark No. 1534210  for , registered on April 29, 2020, covering services in Classes: 35, and 41;
- International trademark No. 1580872  , registered on January 19, 2021, covering services in Classes: 35, and 41;
- International trademark No. 1630588 for PARIMATCH, registered on August 17, 2021, covering services in Classes: 35, and 41.

It appears that the services provided under the PARIMATCH marks are currently unavailable in Ukraine due to restrictive measures by State authorities.

The disputed domain name was registered on March 22, 2023, and presently resolves to a website advertising gambling and betting services targeting the Ukrainian market and reproducing slightly modified versions of the Complainant's figurative trademarks.

#### 5. Parties' Contentions

##### A. Complainant

The Complainant claims that:

- the disputed domain name is identical or confusingly similar to the trademarks in which the Complainant has rights;
- the Respondent has no rights or legitimate interests in respect of the disputed domain name;
- the disputed domain name was registered and is being used in bad faith.

Finally, the Complainant requests that the disputed domain name be transferred in favor of the Complainant.

##### B. Respondent

The Respondent has not replied to the Complainant's contentions.

## 6. Discussion and Findings

### 6.1. Preliminary Issue: Language of the Proceeding

In this case the language of the Registration Agreement is Ukrainian. The Registrar is a Ukrainian company. The Respondent is an individual with a Ukrainian name, a Ukrainian phone number and an address in Ukraine. The website's content under the disputed domain name is presented in Ukrainian language and allows users to select only UAH as the currency for transactions.

The Complainant filed the Complaint in English and requested English to be the language of this proceeding for several reasons, namely: (i) the Complainant is incorporated in Cyprus, where the official languages are Greek and Turkish; (ii) the Complainant employs English language for the sake of operations and filing the Complaint in particular, as English is the only language all the Complainant's officials are skilled in; (iii) the disputed domain name employs the designations of "casino" and "parimatch", the former being a genuinely English word which defines "a building where games, especially roulette and card games are played for money" (according to Cambridge Dictionary); some materials on the website at disputed domain name are also in English, e.g., the banner "PARIMATCH BONUS GET IT!" on the website's main page".

The Respondent has not submitted any response or communication to the Center claiming that English is a language beyond its comprehension.

In accordance with paragraph 11(a) of the .UA Rules, unless otherwise agreed by the Parties, the language of the administrative proceeding shall be the language of the Registration Agreement (which shall be in English, Russian or Ukrainian), subject to the authority of the Panel to determine otherwise, having regard to the circumstances of the administrative proceeding.

Pursuant to the general powers attributed to the Panel under paragraphs 10(b) and 10(c) of the .UA Rules, the Panel shall ensure on the one hand that the Parties are treated fairly and with equality, and shall ensure, on the other hand, that the administrative proceeding takes place with due expedition.

The Panel has consequently the discretion to decide that the language of the administrative proceeding shall be other than that of the registration agreement, provided that the Panel exercises with fairness its discretion, treating each party equally and taking into account all relevant circumstances, such as the parties' ability to understand and use the proposed language, time and costs (see WIPO Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition (the "[WIPO Overview 3.0](#)")<sup>1</sup>, section 4.5.1).

Considering that: (i) both Parties were given sufficient opportunities to express their views on the appropriate language of this administrative proceeding; (ii) the materials before the Panel testify to an adequate ability to understand English by the Respondent; (iii) requesting a translation of the Complaint will cause undue delay of these proceedings and therefore be inequitable for both Parties; the Panel concludes that proceeding in English is fair for the Complainant and the Respondent.

The Panel also finds applicable to this case the position on the use of English as the fairest neutral language, stated by previous UDRP panels under similar scenarios (see *LEGO Juris A/S v. Asiagroup*, WIPO Case No. [D2022-2829](#); *IPSOS v. Beats*, WIPO Case No. [D2022-1055](#)). The Panel would have considered a Response in Ukrainian, but no response was submitted.

Therefore, having regard to the above circumstances, the Panel accepts in its sole discretion that the language of the administrative proceeding will be English.

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<sup>1</sup> In view of the similarities between the .UA Policy and the Uniform Domain Name Dispute Resolution Policy ("UDRP"), the Panel may refer to the [WIPO Overview 3.0](#) and UDRP decisions when relevant.

## 6.2 Further Procedural Considerations

Paragraph 10 of the .UA Rules requires from the Panel to ensure that the Parties are treated with equality and that each Party is given a fair opportunity to present its case and that the administrative proceeding takes place with due expedition.

Given that the Respondent's mailing address is stated to be in Ukraine, which is subject to an international conflict at the date of this decision that may affect case notification, it is within the Panel's authority to assess whether the administrative proceeding should move forward.

It should be noted that the Center used all reasonably available means to notify the Respondent of the Complaint in accordance with the .UA Rules. It does not appear that the notification email sent to the Respondent's email address as registered with the Registrar was not successfully delivered. Thus, the Panel comes to the conclusion that the Respondent was duly notified of the administrative proceedings.

Evaluating the relevant circumstances, the Panel believes that the administrative proceeding should indeed continue. The Panel concludes that the Parties have been given a fair opportunity to present their case, and so that the administrative proceeding takes place with due expedition the Panel will proceed to the decision accordingly.

## 6.3. Substantive Elements of the .UA Policy

The Panel will now proceed to evaluate this matter in light of the Complaint, the absence of the response, the .UA Policy, the .UA Rules, the WIPO Supplemental Rules, and any rules and principles of law that it deems applicable, as outlined in accordance with paragraph 15(a) of the .UA Rules.

Paragraph 4(a) of the .UA Policy sets forth that the Complainant must prove each of the following: (i) the disputed domain name is identical or 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 name; and (iii) the disputed domain name has been registered or is being used in bad faith.

The Complainant must prove that each of the aforesaid three elements is present in order to succeed in relation to the disputed domain name.

By the .UA Rules, paragraph 5(c)(i), it is expected of a respondent to: "respond specifically to the statements and allegations contained in the complaint and include any and all bases for the Respondent (domain-name holder) to retain registration and use of the disputed domain name..."

In the present case, the Respondent has not used the opportunity provided to it under the .UA Rules and has not submitted a response addressing the contentions of the Complainant and the evidence submitted by it.

Therefore, the Panel may decide this administrative proceeding based on the Complainant's undisputed factual allegations, in accordance with paragraphs 5(f), 14(a), and 14(b) of the .UA Rules.

### A. Identical or Confusingly Similar

As seen from the case file, the Complainant has duly shown the rights in respect of PARIMATCH marks.

Section 1.2.1 of the [WIPO Overview 3.0](#) makes clear that, where the complainant holds a nationally or regionally registered trademark or service mark, this prima facie satisfies the threshold requirement of having trademark rights for purposes of standing to file a UDRP case.

In the present case, the disputed domain name fully incorporates the textual element of the Complainant's PARIMATCH trademarks. Although the addition of a term (here "casino-") may influence the evaluation of

the second and third elements of the .UA Policy, the inclusion of such term does not prevent a finding of confusing similarity between the disputed domain name and PARIMATCH marks (see the [WIPO Overview 3.0](#), section 1.8).

It is also usual (and appropriate in this situation) to disregard the design elements of a trademark under the first element as such elements are generally incapable of representation in a domain name (see the [WIPO Overview 3.0](#), section 1.10).

Likewise, the presence of the country-code Top-Level Domain (ccTLD) “.com.ua” is irrelevant for the purpose of determining confusing similarity, as it is a standard requirement of domain names registered under this ccTLD (see the [WIPO Overview 3.0](#), section 1.11.1).

Taking into account the aforesaid, the Panel finds that the disputed domain name is confusingly similar to the marks held by the Complainant. Accordingly, the first element of paragraph 4(a) of the .UA Policy, which is well accepted to be a standing requirement, has been met.

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

Among the arguments of the Complaint are that the Respondent is effectively illegally using the disputed domain name for purposes of deceitfully making visitors believe that the disputed domain name is genuinely operated under the brand of the Complainant and leading them into competitor sites and services.

Notably: (i) the website operated under the disputed domain name did not offer any genuine services other than deliberately and illegally soliciting customers; (ii) the Complainant covenanted that the disputed domain name had not been registered by it nor by any of its affiliated companies or licensees; (iii) the Respondent was not in any way affiliated with the Complainant.

As explained in section 2.1 of the [WIPO Overview 3.0](#), the consensus view is that, where a complainant makes out a prima facie case that the respondent lacks rights or legitimate interests, the burden of production shifts to the respondent to come forward with relevant evidence demonstrating rights or legitimate interests in the domain name. If not, the complainant is deemed to have satisfied the second element.

A list of circumstances in which the Respondent may demonstrate rights or legitimate interests in the disputed domain name is provided by paragraph 4(c) of the .UA Policy. However, the Respondent failed to describe any reason that would demonstrate rights or legitimate interests in the disputed domain name.

The available records demonstrate that the Respondent does offer gambling and betting services, while not being commonly known by the disputed domain name, and not claiming let alone providing evidence of legitimate noncommercial or fair use. Similarly, the Respondent has not provided any information that would indicate the use of the disputed domain name in connection with preparation for the bona fide offering of goods or services.

As such, the Panel finds the Complainant has established a prima facie case that the Respondent lacks rights or legitimate interests in the disputed domain name. The Respondent has not rebutted the Complainant's prima facie showing and has not come forward with any relevant evidence demonstrating grounds for using the disputed domain name such as those enumerated in the .UA Policy or otherwise.

In addition to that, the Respondent's website at the disputed domain name has a similar look and feel with the Complainant's licensee's official website, which further corroborates a finding of lack of rights or legitimate interests.

In these circumstances, the Panel finds that the second element of paragraph 4(a) of the .UA Policy is established.

### C. Registered or Used in Bad Faith

In this case, the disputed domain name was registered well after the Complainant's trademark rights had been established, and the Respondent is using it to offer services identical to those of the Complainant.

The PARIMATCH brand is well known in the Ukrainian market and has a strong reputation among consumers.

These circumstances indicate that the Respondent more likely than not had the Complainant's trademarks in mind when registering the disputed domain name. That is the Respondent intentionally registered the disputed domain name to take advantage of the Complainant's successful brand.

As such, the Panel finds that the disputed domain name has been registered in bad faith.

The records of this case also show that the Respondent has intentionally used the disputed domain name to attract, for commercial gain, Internet users to the website to which the disputed domain name resolves, by creating the impression among Internet users that said website was related to, associated with, or endorsed by the Complainant, which conduct constitutes bad faith under paragraph 4(b)(iv) of the .UA Policy (see the [WIPO Overview 3.0](#), section 3.1.4).

As discussed above, the disputed domain name is confusingly similar to PARIMATCH marks and resolves to a gambling website, which offers online gambling to Internet visitors and contains no disclaimer for the lack of relationship between the Parties.

The website associated with the disputed domain name does not contain any contact information or any other data which allows to identify its owner and an entity operating the business, which suggests an unwillingness to be open to consumers.

It is stated in the Complaint that Internet users might access the website services by signing in or registering which was available by clicking the respective button in the website header. The said "make a bet" and "register" buttons redirected to the "https://supergra.ua/uk" website, instead, where online casino and gambling services were offered by the Complainant's competitor.

The Panel supports the Complainant's arguments that the use by the Respondent of the disputed domain name in connection with an active website advertising gambling and betting services, and allegedly containing links to casino and gambling games operated by third parties, is evidence of bad faith.

Hence, the disputed domain name is used in bad faith and for the sole purpose of misleading the customers of the Complainant, directing them to register with the competitor's website and thereby diverting business from the Complainant and its partners.

Based on its evaluation of all evidence presented, the Panel finds that the Complainant succeeds under paragraph 4(a)(iii) of the .UA Policy.

However, the Panel also would like to draw attention to the following circumstances that are important for this case.

Decree of the President of Ukraine No. 145/2023 "On the Decision of the National Security and Defence Council of Ukraine of March 10, 2023 "On the Application and Amendments to Personal Special Economic and Other Restrictive Measures (Sanctions)" enacted the decision to apply personal special economic and other restrictive measures (sanctions) to legal entities that are part of the Parimatch company structure, namely, Parimatch Foundation, Parimatch United Investments Limited, Fullgear Investments Ltd, Suncast Furure N.V., Acando Services Limited, Auspacia Limited, D.A Secretarial Limited, Antrum Ltd, Inplace N.V., Limited Liability Company "Pokermatch.UA", Limited Liability Company "Parimatch", FirstPM Entertainment Ltd for a period of 50 years due to their ties with Russian Federation.

The sanctions include measures such as the prohibition of the use and management of domain names and restrictions on electronic communication services (blocking access to web resources hosted on the domains related to PARIMATCH).

Pursuant to paragraph 3 of the .UA Policy, the Registrar may also cancel, transfer or otherwise make changes to a domain name registration in accordance with the terms of the Registration Agreement or other legal requirements.

Thus, given the current situation with the sanctions imposed by the National Security and Defence Council of Ukraine against legal entities that are part of the Parimatch company structure and that the implementation of this decision lies with the Registrar, it is within the Registrar's authority to decide on whether to apply certain technical solutions to the disputed domain name.

## 7. Decision

For the foregoing reasons, in accordance with paragraphs 4(i) of the .UA Policy and 15 of the .UA Rules, the Panel orders that the disputed domain name, <casino-parimatch.com.ua>, be transferred to the Complainant<sup>2</sup>.

*/Anton Polikarpov/*

**Anton Polikarpov**

Sole Panelist

Date: September 27, 2024

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<sup>2</sup> Noting Decree of the President of Ukraine No. 145/2023, it will be for the registry or the registrar to decide on the implementation of this decision.