Decision for dispute CAC-UDRP-100803

Case number	**CAC-UDRP-100803**
Time of filing	**2014-05-27 13:56:41**
Domain names	**dafa44.com**

Case administrator

Name	**Lada Válková (Case admin)**

Complainant

Organization	**Emphasis Services Limited**

Respondent

Name	**Tempel Butac**

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings which are pending or decided and which relate to the disputed domain name.

IDENTIFICATION OF RIGHTS

Complainant states and provides evidence in support thereof, that it is the owner of numerous trademark registrations that contain the word DAFA in the European Union and in Hong Kong and Malaysia.

FACTUAL BACKGROUND

The Complainant, through its subsidiaries, operates websites offering online gaming and betting with licenses issued in the Philippines and the Isle of Man. The Complainant owns and operates several gaming sites under the brand “Dafa” (i.e. dafabet.com & dafa888.com). The Complainant has, for 12 years, used the name “Dafa” in varying combinations to designate its online gaming and betting offerings.

The Complainant in fact, has registered its rights over the brand “Dafa” in Malaysia and Hong Kong and has likewise secured a CTM registration [under the name of its wholly owned subsidiary Asian BGE (Isle of Man) Limited] for the name and graphic representation (logo) for “Dafabet”.

“Dafabet” is a well-known mark and is currently the shirt sponsor for the Aston Villa Football Club and an official partner for the Everton Football Club, both playing with the English Premier League (where the Dafabet mark and logo are prominently displayed). Further, Dafabet is also the sponsor of the name sponsor for the recently concluded World Snooker Championship.

PARTIES CONTENTIONS

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the Domain Name is identical or confusingly similar to a trademark or service mark in which the complainant has rights (within the meaning of paragraph 4(a)(i)of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

The Complainant has, to the satisfaction of the Panel, shown the Respondent to have no rights or legitimate interests in respect of the Domain Name (within the meaning of paragraph 4(a)(ii)of the Policy).

BAD FAITH

The Complainant has, to the satisfaction of the Panel, shown the Domain Name has been registered and is being used in bad faith (within the meaning of paragraph 4(a)(iii)of the Policy).

PROCEDURAL FACTORS

The Panel is satisfied that all procedural requirements under UDRP were met and there is no other reason why it would be inappropriate to provide a decision.

PRINCIPAL REASONS FOR THE DECISION

The Panel finds that the disputed domain name “dafa44.com” is confusingly similar to the Complainant’s trademark. Adding two generic numbers "44" to the trademark "DAFA" does not render the domain name in question unsimilar.

The Complainant contends that the Respondent has made no use of, or demonstrable preparations to use the disputed domain name in connection with a bona fide offering of goods or services, nor is making a legitimate non-commercial or fair use of the disputed domain name, and is not commonly known under the disputed domain name.

The Panel notes that the disputed domain name holder’s name or contact details contain no reference to DAFA or DAFABET. In lack of any Response from the Respondent, or any other information indicating the contrary, the Panel concludes that the Respondent has no rights or legitimate interests in respect of “dafa44.com”.

The Complainant also proved that the Respondent has engaged in a pattern of conduct regarding bad faith domain name registration and use of the disputed domain name. The Respondent is adapting the design of the Complainant's website in a way that the public may think the parties are affiliated. The domain name is used for an active web site, which shows a similar design as the Complainant's website and uses the trademark "dafa" in the word "dafa999" and offers identical services (online betting). Further, it uses a logo (yellow "D" in yellow circle), which is obviously the logo of the Complainant.

These facts, including the absence of a Response and pattern of conduct on the part of the Respondent also confirm that the disputed domain name has not only been registered in order to prevent the trademark holder - the Complainant - from reflecting the DAFA44 name in a corresponding domain name under .com, but is also used in bad faith.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

AND THE DISPUTED DOMAIN NAME(S) IS (ARE) TO BE

1. **DAFA44.COM**: Transferred

PANELLISTS

Name	**Dominik Eickemeier**

DATE OF PANEL DECISION 2014-07-07

Publish the Decision