Decision for dispute CAC-UDRP-101069

Case number	CAC-UDRP-101069
Time of filing	2015-10-07 10:10:48
Domain names	dafa888bet.com

Case administrator

Name	Lada Válková (Case admin)

Complainant

Organization	Emphasis Services Limited

Respondent

Organization	personal

OTHER LEGAL PROCEEDINGS

The panel is not aware of any other pending proceedings.

IDENTIFICATION OF RIGHTS

The Complainant is proprietor of several registered trademarks, inter alia DAFA, 302048148 registered in Hong Kong in class 41 on October 3, 2011 and DAFABET, CTM 012067088 registered on February 17, 2014 in classes 38 and 41.

FACTUAL BACKGROUND

The Complainant through its subsidiaries and licensees, operates websites offering online gaming and betting with licenses issued in the Philippines, Isle of Man and the United Kingdom. The Complainant owns and operates several gaming sites under the brand “Dafa” (i.e. dafabet.com & dafa888.com). The Complainant has, for more than 14 years, been using the name “Dafa” in varying combinations to designate its online gaming and betting offerings. “Dafabet” is a well-known mark and is currently the Official Main Club Sponsor for the Sunderland and Blackburn Rovers Football Clubs, Official International Betting Partners for Everton and Celtic Football Clubs (where the Dafabet mark and logo are prominently displayed). Further, Dafabet has also sponsored high level sporting events such as the World Snooker Championship among others. Dafabet was also named by eGaming Review as 21st among the 50 most influential e-gaming operators in the world.

The Respondent is using the Complainant’s graphics, images, designs, content and logos under the disputed domain name.

The disputed domain name was registered on April 26, 2013, i.e. the Complainant's trademarks predate the date of the registration of the disputed domain name.

PARTIES CONTENTIONS

PARTIES' CONTENTIONS:

COMPLAINANT:

The Complainant is of the opinion that the disputed domain name is confusingly similar to trademarks and service marks in which it claims to have rights.

The Complainant further claims that the Respondent has no rights or legitimate interests in respect of the disputed domain name. According to the Complainant, the Respondent has not used the disputed domain name in connection with a legitimate use. Also, according to the Complainant, the Respondent has not been commonly known by the disputed domain name.

Finally, the Complainant contends that the domain name was registered and being used in bad faith.

RESPONDENT:
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 Complainant has, to the satisfaction of the Panel, shown the Domain Name being confusingly similar to a trademark mark in which the Complainant has rights (within the meaning of paragraph 4(a)(i)of the Policy).

The addition of the numbers 888 does not provide a significant change to Complainant´s trademark in which "DAFA" is the most distinctive element whereas the element „bet“ is already of lower distinctivness, but is, however, part of the TLD of the disputed domain name (see also WIPO Case No. D2015-1214, lido888.com).

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).

The Respondent has no rights in the Domain Name since the Respondent is not a licensee of the Complainant nor has the Complainant granted any permission or consent to the Respondent to use its trademarks. Furthermore, the Respondent has no legitimate interest in the Domain Name since there is no indication that the Respondent is commonly known by the name reflecting the disputed domain name.

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) by registering a confusingly similar domain name being aware of the active use of the trademarks of Complainant and having used the domain name by intentionally attempting to attract, for commercial gain, Internet users to his web site or other on-line location, by creating a likelihood of confusion with the complainant's mark as to the source, sponsorship, affiliation, or endorsement of his web site or location or of a product or

service on his web site or location.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **DAFA888BET.COM**: Transferred

PANELLISTS

Name	**Dietrich Beier**

DATE OF PANEL DECISION 2015-11-18

Publish the Decision