Decision for dispute CAC-UDRP-101076

Case number	**CAC-UDRP-101076**
Time of filing	**2015-10-07 12:19:11**
Domain names	**adafabet.com**

Case administrator

Name	**Lada Válková (Case admin)**

Complainant

Organization	**Emphasis Services Limited**

Respondent

Name	**nickky hode**

OTHER LEGAL PROCEEDINGS

The Panel is not aware of any other legal proceedings pending or decided between the same parties and relating to the Disputed Domain Name.

IDENTIFICATION OF RIGHTS

The Complainant is the owner of several trademarks consisting and/or containing the term “DAFA” (for instance: Hong Kong registration No. 302048148 “DAFA”, of 03 October 2011, for services in class 41 and Community trademark registration No. 012067088 “DAFABET”, of 17 February 2014, for services in classes 38 and 41). Moreover it uses the domains “www.dafabet.com” and “www.dafa888.com”.

FACTUAL BACKGROUND

FACTS ASSERTED BY THE COMPLAINANT AND NOT CONTESTED BY THE RESPONDENT:

The Complainant through its subsidiaries and licensees owns and operates several websites under the brand "DAFA" (e.g. <www.dafabet.com>) where online gaming and betting is offered. The Complainant has, for more than 14 years, used the term "DAFA" in varying combinations to designate its online gaming and betting offerings. The Complainant owns various trademarks in different jurisdictions in relation to the term "DAFA "and in particular to "DAFABET". The Complainant alleges that "DAFABET" is a well-known trademark due to sponsorship with football clubs, the English Premier League and the World Snooker Championship. In fact, "DAFABET" is currently the Official Main Club Sponsor for Sunderland and Blackburn Rovers Football Clubs, Official International Betting Partners for Everton and Celtic Football Clubs. Furthermore, "DAFABET" has also sponsored high level sporting events.

The Disputed Domain Name, that according to the information provided in the WHOIS has been created on 5 September 2014, redirects to a web site whose content is basically a clone of the Complainant’s website. In fact on that website the Complainant’s graphics, images, designs, content and logos are used without the Complainant’s consent. The Respondent has been sent a cease and desist letter, but according to the Complainant, no reply was received so far.

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 “adafabet.com” is confusingly similar to the Complainant’s trademark. It fully includes the trademark "DAFABET" preceded by the letter “a”. This prefix is – in the Panel’s view – not likely to exclude confusing similarity between the Disputed Domain Name and the Complainant’s trademark.

Furthermore, in the absence of any Response by the Respondent or any other information indicating the contrary, the Panel holds that the Respondent has no rights or legitimate interests in respect of “adafabet.com”. Indeed, the Panel notes that the Disputed Domain Name redirects to a web site whose content is basically a clone of the Complainant’s website, using the Complainant’s graphics, images, designs, content and logos. Consequently, the Panel is of the view that the Respondent is not making a legitimate noncommercial or fair use of the Disputed Domain Name, without intent for commercial gain to misleadingly divert consumers or to tarnish the trademark or service mark at issue. Additionally, in the absence of any reaction from the Respondent, the Panel can neither affirm any use of, or demonstrable preparations to use the Disputed Domain Name or a name corresponding to the Disputed Domain Name in connection with a bona fide offering of goods or services, nor that the Respondent is commonly known by the Disputed Domain Name.

Finally, the Panel finds that the Disputed Domain Name has also been registered and is being used in bad faith. The Respondent has intentionally registered the Disputed Domain Name which fully includes the Complainant’s trademark "DAFABET". By the time the Disputed Domain Name was registered, the Panel considers it unlikely that Respondent did not have knowledge of the Complainant’s rights on the trademark "DAFABET". The Complainant also proved that the Respondent is using the Disputed Domain Name to lead to a web site whose content is basically a clone of the Complainant’s website, which uses the Complainant’s graphics, images, designs, content and logos. These facts also confirm that the Disputed Domain Name is currently used to intentionally attempt to attract, for commercial gain, Internet users to the Respondent's web site by creating a likelihood of confusion with the Complainant's mark as to the source, sponsorship, affiliation, or endorsement of the Respondent's web site.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **ADAFABET.COM**: Transferred

PANELLISTS

Name	Dr. Tobias Malte Müller

DATE OF PANEL DECISION 2015-11-16

Publish the Decision