Decision for dispute CAC-UDRP-105506

Case number	**CAC-UDRP-105506**
Time of filing	**2023-06-12 11:23:52**
Domain names	**liverpoolfc.bet**

Case administrator

Organization	**Iveta Špiclová (Czech Arbitration Court) (Case admin)**

Complainant

Organization	**The Liverpool Football Club and Athletics Grounds Limited**

Complainant representative

Organization	**Stobbs IP**

Respondent

Name	**Chong Jun Kit**

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

Trademark "LIVERPOOL FC" UK00907024565 (May, 22, 2009) and other similar trademarks.

FACTUAL BACKGROUND

- The Complainant is a professional football club based in Liverpool, United Kingdom. It was founded in 1888 and has gained immense popularity, becoming one of the most supported football clubs globally.
- The club's prominence in English and European football was established during the 1970s and 1980s. It achieved great success during this period, winning eleven League titles and four European Cups. In subsequent years, the club won two more European Cups in 2005 and 2019. The 2019 victory also resulted in the club securing their nineteenth League title in 2020, marking their first title during the Premier League era.
- As of now, the club has earned a total of nineteen League titles, seven FA Cups, a record eight League Cups, and fifteen FA Community Shields. In international club competitions, the club holds the distinction of winning six European Cups, the most by any English football club. Additionally, they have secured three UEFA Cups, four UEFA Super Cups, and one FIFA Club World Cup.

PARTIES CONTENTIONS

The Complainant contends that the requirements of the Policy have been met and that the disputed domain name should be transferred to it.

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed 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 disputed 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 disputed 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

FIRST CONDITION

It is well-accepted that the first element functions primarily as a standing requirement. The standing (or threshold) test for confusing similarity involves a reasoned but relatively straightforward comparison between the complainant’s trademark and the disputed domain name. This test typically involves a side-by-side comparison of the domain name and the textual components of the relevant trademark to assess whether the mark is recognizable within the disputed domain name (this may also include recognizability by technological means such as search engine algorithms). In some cases, such assessment may also entail a more holistic aural or phonetic comparison of the complainant’s trademark and the disputed domain name to ascertain confusing similarity.

The domain name in question completely reproduces the complainant's trademark (excluding the ccTLD/gTLD, which is not relevant for the analysis of the first condition).

SECOND CONDITION

The Respondent does not provide any explanation for choosing and exploiting the disputed domain name. The Panel shall take into consideration the Complainant’s allegations, supported by the evidence provided.

Outcomes are:

1. The disputed domain name currently redirects to a deceptive warning site and has a history of facilitating gambling content. Specialized software indicates a severe phishing risk associated with the domain. These factors suggest that the respondent registered the domain name with malicious intent. Using a domain name for illegal activities, such as phishing, is considered illegitimate and cannot confer rights or legitimate interests on the respondent. Therefore, the Respondent cannot claim a defense under this part of the policy (or should at the very least provide an explanation regarding the legitimacy of its alleged interest).

2. The Complainant asserts that, to the best of their knowledge, the Respondent has never been associated with the name "LIVERPOOL FC" at any point in time. Merely registering a domain name is not sufficient to establish rights or legitimate interests.

3. In the absence of any explanation by the Respondent, it appears that the probable reason for registering the domain name was to exploit the complainant's goodwill and valuable reputation.

4. These outcomes are reinforced par the gTLD chosen (".bet").

THIRD CONDITION

The Respondent does not provide any explanation for choosing and exploiting the disputed domain name. The panel shall take into consideration the Complainant's allegations, supported by the evidence provided. Outcomes are:

1. The Complainant argues that the Respondent intentionally sought to exploit the Complainant's trademark by creating confusion and attracting internet users for commercial gain.

2. The Complainant's well-known LIVERPOOL FC brand and its widespread recognition make it highly unlikely that the Respondent was unaware of it when registering the disputed domain name.

3. The registration was likely aimed at preventing the Complainant from using their own mark.

4. The choice of the gTLD ".bet" confirms the preceding conclusions and would have, at the very least, required a serious explanation from the Respondent, especially considering that the website either currently or previously directed to a gambling/betting offer. This increases the risk of potential fraudulent use that could harm the reputation of the Complainant if visitors mistakenly believe it is a gambling offer associated with or endorsed by the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **liverpoolfc.bet**: Transferred

PANELLISTS

Name	**Mr. Etienne Wéry**

DATE OF PANEL DECISION 2023-07-07

Publish the Decision