

Decision for dispute CAC-UDRP-105763

Case number	CAC-UDRP-105763
Time of filing	2023-09-07 09:42:26
Domain names	sportingbet-blue.com, sportingbet-box.com, sportingbet-douban.com, sportingbet-eat.com, sportingbet-enjoy.com, sportingbet-going.com, sportingbet-green.com, sportingbet-happy.com, sportingbet-ing.com, sportingbet-link.com, sportingbet-look.com, sportingbet-net.com, sportingbet-news.com, sportingbet-omg.com, sportingbet-online.com, sportingbet-orange.com, sportingbet-other.com, sportingbet-park.com, sportingbet-play.com, sportingbet-pt.com, sportingbet-red.com, sportingbet-rich.com, sportingbet-sports.com, sportingbet-tiyu.com, sportingbet-tow.com, sportingbet-url.com, sportingbet-vip.com, sportingbet-zhihu.com

Case administrator

Name	Olga Dvořáková (Case admin)
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Complainant

Organization	Entain plc
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Complainant representative

Organization	Stobbs IP
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Respondent

Name	jiangke liang
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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 names.

IDENTIFICATION OF RIGHTS

The Complainant has proven to be the owner of several trademarks corresponding to and/or including the SPORTINGBET trademark.

The Complainant is, inter alia, the owner of the following trademarks:

- EU trademark registration n. 018458660 "SPORTINGBET" device, registered on July 9, 2022;
- EU trademark registration n. 005150099 "SPORTINGBET ITALIA" device, registered on July 5, 2007;
- EU trademark registration n. 003389947 "SPORTINGBET.COM" device, registered on February 28, 2008;
- EU trademark registration n. 005068341 "SPORTINGBET.IT" device, registered on August 16, 2007.

Hereinafter these are referred to as the SPORTINGBET trademarks.

FACTUAL BACKGROUND

The Complainant in this administrative proceeding is Entain plc, the parent company of Entain Operations, Ltd, owner of the SPORTINGBET registered trademark.

The Complainant is an international sports betting and gaming group, operating both online and in the retail sector. For the financial year ending 31 December 2021, the Complainant's underlying operating profit for the online gaming business was £484 million.

The Complainant acquired the domain name <sportingbet.com> on 20 March 2013. It has since been used by the Complainant for its official website at sportingbet.com, and has promoted the brand and trademark for over a decade, as of the date of this Complaint. On average, the official website generates user traffic of over 8 million visitors a month, from various territories across the globe.

The disputed domain names were all registered on April 4 and 5, 2023.

The disputed domain names are currently inactive but, according to the Complainant's un rebutted assertion, the disputed domain names previously hosted similar websites encouraging users to download a Chinese sports betting app, or promoting sports betting activities unrelated to and competing with the Complainant and its SPORTINGBET brand.

PARTIES CONTENTIONS

COMPLAINANT:

1. The disputed domain names are confusingly similar to the Complainant's trademark

The Complainant contends that the disputed domain names are confusingly similar to the Complainant's SPORTINGBET trademarks.

The SPORTINGBET trademark is incorporated into each disputed domain name in its entirety, with the addition of the following non-distinctive terms: "blue", "box", "douban", "eat", "enjoy", "going", "green", "happy", "ing", "link", "look", "net", "news", "omg", "online", "orange", "other", "park", "play", "pt", "red", "rich", "sports", "tiyu", "tow", "url", "vip", "zhihu". The Complainant submits that these terms do not impact on the similarity of the disputed domain names to the SPORTINGBET trademark.

2. The Respondent does not have any rights or legitimate interest in the disputed domain names

The Complainant contends that the Respondent is not commonly known by the disputed domain names and that the Respondent is not affiliated with or authorized by the Complainant in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain names, and is not related to the Complainant's business in any way. The Complainant does not carry out any activity for, nor does it have any business dealings with, the Respondent. The Complainant further contends that the disputed domain names, currently inactive, previously hosted similar websites encouraging users to download a Chinese sports betting app, or promoting sports betting activities unrelated to and competing with the Complainant and its SPORTINGBET brand, and that this is not a bona fide use.

3. The disputed domain names have been registered and are being used in bad faith

The Complainant contends that owing to the renown of the Complainant's trademarks, it is presumable that the Respondent had actual knowledge of the Complainant's distinctive trademarks, and thus registered the disputed domain names in bad faith. Such bad faith registration is highlighted by the fact that the Respondent proceeded to register not one, but 28 domain names incorporating the Complainant's trademark.

The Complainant further contends that, since the "SPORTINGBET" trademark is distinctive and known, it is therefore unlikely that the disputed domain names were chosen by the Respondent without having the trademark of the Complainant in mind. Rather, it is the Complainant's contention that the Respondent specifically targeted the Complainant's brand and trademark.

In addition, some of the disputed domain names previously hosted similar websites encouraging users to download a Chinese sports betting app, or promoting sports betting activities unrelated to and competing with the Complainant and its SPORTINGBET brand.

RESPONDENT:

NO ADMINISTRATIVELY COMPLIANT RESPONSE HAS BEEN FILED.

RIGHTS

The Complainant has, to the satisfaction of the Panel, shown the disputed domain names are 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 names (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 names have been registered and are 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

A) Confusing similarity

The Panel agrees with the Complainant's assertion that the addition in the disputed domain names of the non-distinctive terms: "blue", "box", "douban", "eat", "enjoy", "going", "green", "happy", "ing", "link", "look", "net", "news", "omg", "online", "orange", "other", "park", "play", "pt", "red", "rich", "sports", "tiyu", "tow", "url", "vip", "zhihu", does not prevent the SPORTINGBET trademark from being recognizable in the disputed domain name.

Pursuant to section 1.8 of the Overview of WIPO Panel Views on Selected UDRP Questions, Third Edition ("WIPO Overview 3.0") which states: "Where the relevant trademark is recognizable within the disputed domain name, the addition of other terms (whether descriptive, geographical, pejorative, meaningless, or otherwise) would not prevent a finding of confusing similarity under the first element. The nature of such additional term(s) may however bear on assessment of the second and third elements."

B) Lack of legitimate rights or interests

It is unlikely that the Respondent registered 28 domain names all containing the SPORTINGBET trademark in its entirety without having the Complainant in mind. The Complainant's assertions that the Respondent is not commonly known by the disputed domain names and is not affiliated with nor authorized by the Complainant are sufficient to constitute a prima facie demonstration of absence of rights or legitimate interest in the disputed domain names on the part of the Respondent. The burden of evidence therefore shifts to the Respondent to show, using tangible evidence, that it does have rights or legitimate interests in the disputed domain names. The Respondent has made no attempt to do so.

Accordingly, the Panel finds that the Respondent has no rights or legitimate interests in the disputed domain names.

C) Registered or Used in Bad Faith

The Complainant gives sound bases for its contention that the disputed domain names were registered and have been used in bad faith.

Firstly, owing to the distinctiveness of the Complainant's trademarks and reputation in the Complainant's field, it is reasonable to infer that the Respondent registered the disputed domain names with full knowledge of the Complainant's trademarks, and so the Panel finds on the balance of probabilities that the Respondent was aware of the Complainant's trademarks when registering the disputed domain names.

Furthermore, the Panel considers that the composition of the disputed domain names, which all contain the Complainant's trademark in its entirety combined with various terms, reflects the purposeful composition of domain names to create a direct, misleading inference of the Complainant, and this fact further supports a finding of bad faith.

Secondly, the Panel accepts the Complainant's unchallenged assertion that the Respondent registered the disputed domain names with the aim of creating a likelihood of confusion with the Complainant's trademark.

Thirdly, it appears that the Respondent has used some of the disputed domain names to host websites encouraging users to download a Chinese sports betting app, or promoting sports betting activities unrelated to and competing with the Complainant and its SPORTINGBET trademark.

Owing to the fact that the disputed domain names are all registered by the same registrant, such use should be regarded as a collective use made by the Respondent to free-ride on the Complainant's reputation accrued in the brand and trademark to date.

Fourthly, the Respondent has not responded to nor denied any of the assertions made by the Complainant in this proceeding.

Lastly, the disputed domain names currently resolve to inactive websites, the Panel considers that bad faith may exist even in cases of so-called "passive holding", as found in the UDRP decision *Telstra Corporation Limited v. Nuclear Marshmallows*, WIPO Case No. D2000-0003. In the circumstances of this case, the Panel finds that the passive holding of the disputed domain names does not prevent a finding of bad faith. See WIPO Overview 3.0, section 3.3. The Panel here considers as relevant the renown of the Complainant's trademark, the incorporation of said distinctive trademark, the Respondent's failure to participate in the proceeding, and the Respondent's previous use of the disputed domain names.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **sportingbet-blue.com**: Transferred
2. **sportingbet-box.com**: Transferred
3. **sportingbet-douban.com**: Transferred
4. **sportingbet-eat.com**: Transferred
5. **sportingbet-enjoy.com**: Transferred
6. **sportingbet-going.com**: Transferred
7. **sportingbet-green.com**: Transferred
8. **sportingbet-happy.com**: Transferred
9. **sportingbet-ing.com**: Transferred
10. **sportingbet-link.com**: Transferred
11. **sportingbet-look.com**: Transferred
12. **sportingbet-net.com**: Transferred
13. **sportingbet-news.com**: Transferred
14. **sportingbet-omg.com**: Transferred
15. **sportingbet-online.com**: Transferred
16. **sportingbet-orange.com**: Transferred
17. **sportingbet-other.com**: Transferred
18. **sportingbet-park.com**: Transferred
19. **sportingbet-play.com**: Transferred
20. **sportingbet-pt.com**: Transferred
21. **sportingbet-red.com**: Transferred
22. **sportingbet-rich.com**: Transferred
23. **sportingbet-sports.com**: Transferred
24. **sportingbet-tiyu.com**: Transferred
25. **sportingbet-tow.com**: Transferred
26. **sportingbet-url.com**: Transferred
27. **sportingbet-vip.com**: Transferred
28. **sportingbet-zhihu.com**: Transferred

PANELLISTS

Name	Fabrizio Bedarida
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DATE OF PANEL DECISION **2023-10-16**

Publish the Decision
