Decision for dispute CAC-UDRP-106237

Case number	CAC-UDRP-106237
Time of filing	2024-02-08 09:29:13
Domain names	sportingbet730.site

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Entain Operations, Ltd.

Complainant representative

Organization	Stobbs IP

Respondent

Name	thiago rodrigues

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

The Complainant owns various trademark registrations for the designation “sportingbet”, including the UK trademark registration UK00002642443 “SPORTINGBET” (word), registered on March 29, 2013 (and duly renewed) for numerous goods and services in classes 9, 35, 38, 41, and 42.

The Complainant has been using the domain name <sportingbet.com> for an active website to promote its “SPORTINGBET” brand for over a decade as at the date of this decision.

The disputed domain name was registered on March 8, 2022, i.e., the Complainant’s trademark registration cited above predates the registration of the disputed domain name.

FACTUAL BACKGROUND

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

The Complainant is the subsidiary of an international sports-betting and gaming group, operating both online and in the retail sector. The Complainant’s parent, Entain plc (the “Parent”), was incorporated in Luxembourg in 2004 as Gaming VC Holdings S.A., re-domiciled to the Isle of Man on 5 January 2010 and underwent a name change from GVC Holdings plc to Entain plc on 9 December

2020. For the financial year ending 31 December 2022, the Parent's underlying operating profit for the online gaming business was £541 million.

The Parent has a comprehensive portfolio of established brands. Its "Sports Brands" include BWIN, CORAL, CRYSTALBET, EUROBET, LADBROKES, NEDS INTERNATIONAL, and SPORTINGBET.

The Parent has traded on the Alternative Investment Market (AIM) of the London Stock Exchange (LSE) since 24 May 2010 and as of 1 February 2024, has a market capitalisation value of £6.1 billion. The United Kingdom is the Parent's core market and accounts for a significant portion of sales, with other key markets being the European Union and Australia.

The Complainant's SPORTINGBET brand has accrued significant reputation, and the mark has built up a vast amount of goodwill relation to a wide range of goods and services. Notably, the Complainant's SPORTINGBET brand has sponsored well-known football clubs in the UK and EU, with the brand being featured on the official matchday kit. The Complainant submits that the Complainant's SPORTINGBET brand and mark are widely known.

The disputed domain name resolves to a live website offering services relating to online sports betting and gaming. The website invites users to interact with sports betting services on its website, including football matches in Portugal, Argentina, Italy, and the UK.

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

Due to administrative deficiency in commencement the Respondent was provided with additional time to provide a response. The Respondent never accessed the online case file nor contacted the CAC.

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 disputed domain name is confusingly similar to the Complainant's trademark "SPORTINGBET". The disputed domain name incorporates the Complainant's trademark in its entirety, with the addition of the numbers "730". These the numbers "730" are not sufficient to mitigate the confusing similarity of the disputed domain name with the trademark. Prior Panels have also followed this line of argument, see Hoffmann-La Roche AG v. Domain Admin, Privacy Protection Service INC d/b/a PrivacyProtect.org / Conan Corrigan, WIPO Case No. D2015-2316: "where a domain name incorporates a complainant's well-known and distinctive trademark in its entirety, it is confusingly similar to that mark despite the addition of words or numbers such as, in this case, 'uk10'".

The Panel further finds that the Complainant successfully submitted prima facie evidence that the Respondent has neither made any use of, or demonstrable preparations to use, the disputed domain names 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 names, nor is commonly known under the disputed domain names. The Respondent uses the disputed domain name for an online sports betting and gaming website relating to, inter alia, UK football matches, which falls squarely into the Complainant's own business activities and the scope of protection for its UK "SPORTINGBET" trademark mentioned above. While the Respondent's website can be considered a "use" of the disputed domain name in connection with an "offering of goods or services", it is therefore not a "bona fide offering" (see below on the corresponding aspects of bad faith). The Complainant's prima facie evidence was not challenged by Respondent.

The Panel further finds that the Complainant successfully submitted prima facie evidence that the Respondent has registered and used the disputed domain name in bad faith, namely by intentionally attempting to attract, for commercial gain, internet users to its online betting and gaming website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website (paragraph 4(b)(iv) of the Policy). It is implausible that the Respondent was not aware of the Complainant's "SPORTINGBET" trademark when registering the domain name and setting up the website. Instead, it is most likely that the Respondent has registered and used the disputed domain name both to impersonate the Complainant and to benefit from any customer traffic which the disputed domain name might generate for the Respondent's Website. Again, the Complainant's prima facie evidence was not challenged by the Respondent.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **sportingbet730.site**: Transferred

PANELLISTS

Name	**Dr. Thomas Schafft**

DATE OF PANEL DECISION 2024-04-12

Publish the Decision