# Decision for dispute CAC-UDRP-106455

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| Case number | **CAC-UDRP-106455** |
| Time of filing | **2024-04-18 08:57:06** |
| Domain names | **egypt-1xbet.com** |

## Case administrator

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| Name | **Olga Slanařová (Case admin)** |

## Complainant

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| Organization | **Navasard Limited** |

## Complainant representative

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| Organization | **Sindelka & Lachmannová advokáti s.r.o.** |

## Respondent

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| Organization | **Regery Ukraine** |

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 is the owner of various trademark registrations for “1XBET”, including the following:

- European Union Trademark no. 013914254 for 1XBET, registered on July 27, 2015;
- European Union Trademark no. 017517327 for 1XBET, registered on March 7, 2018;
- European Union Trademark no. 017517384 for 1XBET, registered on March 7, 2018.

The Complainant operates its primary domain name <1xbet.com.com>. The Respondent registered the disputed domain name on June 27, 2023. Currently, the disputed domain name resolves to a parked webpage designed to mimic the Complainant’s official website.

FACTUAL BACKGROUND

The Complainant is a part of a group of companies that operate under the 1XBET brand name. 1xBet is an online gaming platform with global reach which was founded in 2007. The Complainant was incorporated on March 9, 2015. 1xBet offers various gambling and gaming services on its platform, and is one of the world’s largest betting companies. It has also won many awards, and is an

active sponsor of top football tournaments. 1xBet is the global partner of FC Barcelona, and the official global betting partner for FC Liverpool.

The Respondent is Regery Ukraine with address at 38 Derzhavinskaya street, 61001 Kharkov, Kharkivska oblast, Ukraine.

PARTIES CONTENTIONS

**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

A. Identical or Confusingly Similar

Paragraph 4(a)(i) of the Policy requires a complainant to show that a domain name is identical or confusingly similar to a trademark or service mark in which the complainant has rights.

A registered trademark provides a clear indication that the rights in the mark shown on the trademark certificate belong to its respective owner. The Complainant has provided evidence that it owns the trademark registration of the 1XBET mark.

In this case, the disputed domain name contains the entirety of the Complainant's 1XBET trademark with the addition of the prefix "egypt", and the addition of a hyphen. It is well-established that 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. Similarly, the addition of a hyphen 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. (see WIPO Overview 3.0, section 1.8).

In addition, the disputed domain name comprises the Complainant's 1XBET trademark and the generic Top-Level Domain ("gTLD") ".com". It is well established that the addition of a gTLD ".com" does not avoid confusing similarity between the Complainant's trademark and the disputed domain name (see WIPO Overview 3.0, section 1.11.1).

Consequently, the Panel finds that the Complainant has shown that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights.

B. Rights or Legitimate Interests

Once the complainant establishes a prima facie case that the respondent lacks rights or legitimate interests in the disputed domain name, the burden of production shifts to the respondent to show that it has rights or legitimate interests in respect to the disputed

domain name (see WIPO Overview 3.0, section 2.1).

In the present case, the Complainant has demonstrated prima facie that the Respondent lacks rights or legitimate interests in respect of the disputed domain name and the Respondent has failed to assert any such rights or legitimate interests.

The Complainant has provided evidence that it owns trademark registrations of the 1XBET mark long before the date that the disputed domain name was registered and that it is not licensed or otherwise authorised the Respondent to use the Complainant's trademark.

The Complainant also provided evidence that the Respondent is not commonly known by the disputed domain name. See WIPO Overview 3.0, section 2.3. The Complainant has not consented to the use of its 1XBET trademark, or part thereof, in the disputed domain name.

It is noted that the disputed domain name resolves to a webpage mimicking the design and content of the Complainant's official website, and containing repeated references to the Complainant's 1XBET marks. The website also implies a direct association to the Complainant and its 1XBET marks. The website also does not identify the person operating the website and their relationship to the Complainant.

Further, the Respondent did not submit a Response in the present case and did not provide any explanation or evidence to show rights or legitimate interests in the disputed domain name which would be sufficient to rebut the Complainant's prima facie case.

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

C. Registered and Used in Bad Faith

The Complainant must also show that the respondent registered and is using the disputed domain name in bad faith (see Policy, paragraph 4(a)(iii)). Paragraph 4(b) of the Policy provides circumstances that may evidence bad faith under paragraph 4(a)(iii) of the Policy.

The Complainant provided evidence that the disputed domain name resolves to a webpage that mimics the Complainant's own official website, containing the Complainant's 1XBET marks, with no disclaimers distancing ownership from the Complainant. This is an indication that the Respondent likely acquired the disputed domain name to specifically target the Complainant, and is evidence of bad faith.

The disputed domain name contains the geographical term "egypt", which the Panel finds to be an attempt to by the Respondent to pass off the disputed domain name as an official Egypt-based site of the Complainant. Considering the global nature of the Complainant's services, The Respondent likely attempted to target the Complainant specifically.

Further, the Complainant has submitted evidence which shows that the Respondent registered the disputed domain name long after the Complainant registered the 1XBET trademark. Given that the 1XBET mark is highly distinctive, it is unlikely that the Respondent was not aware of the Complainant prior to the registration of the disputed domain name. In view of the evidence presented to the Panel, the Panel finds that it is highly likely that the Respondent was aware of the Complainant and its 1XBET trademark at the time of registering the disputed domain name and specifically targeted the Complainant for an unknown reason.

The Respondent failed to submit a response and did not provide any explanation for registering the disputed domain name nor evidence of good-faith use.

The Panel also notes the Respondent's pattern of conduct, having been the subject of previous panel proceedings, and draws an adverse inference accordingly.

Accordingly, given the particular circumstances of this case, the Panel draws the inference that the disputed domain name was registered and is being used in bad faith.

Accordingly, having regard to the circumstances of this particular case, the Panel finds that the Complainant has met its burden under paragraph 4(a)(iii) of the Policy.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **egypt-1xbet.com**: Transferred

## PANELLISTS

| Name | Jonathan Agmon |
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DATE OF PANEL DECISION 2024-05-19

Publish the Decision