Decision for dispute CAC-UDRP-106483

Case number	CAC-UDRP-106483
Time of filing	2024-04-30 10:15:26
Domain names	1xbetinbd.com

Case administrator

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

Complainant

Organization	Navasard Limited

Complainant representative

Organization	Sindelka & Lachmannová advokáti s.r.o.

Respondent

Organization	bas astana xandino ahmata leleman

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 several trademark registrations for the mark 1XBET as a word mark and figurative mark in a number of jurisdictions, for instance:

- European Union trademark No. 013914254 (word) registered on July 27, 2015;
- European Union figurative trademark 017517327 registered on March 7, 2018; and
- European Union figurative trademark 017517384 registered on March 7, 2018.

Complainant also operates a website under the domain name: <1xbet.com>, which includes Complainant's 1XBET trademark. 1xBET uses this domain name to resolve to its online betting websites.

FACTUAL BACKGROUND

The Complainant is the owner of the 1XBET trademarks and belongs to the group of companies operating under the brand name 1xBET, which is an online gaming platform with worldwide reach. 1xBET was founded in 2007 and the Complainant has existed since 9 March 2015. 1xBet offers sports betting, lottery, bingo, live betting, lottery, etc. 1xBet is licensed by the government of

Curacao.

The Complainant states that 1xBET has become one of the world's leading betting companies, which is proven by multiple prestigious awards and prizes the company has won and been nominated for, namely at the SBC Awards, Global Gaming Awards, and International Gaming Awards. The Complainant is an active sponsor of the top football tournaments with its brands – official presenting partner of Italy´s Serie A, media´s partner of Spain´s La Liga, and is the sponsor of the of number of big international tournaments such as the Africa Cup of Nations.

Complainant states that he has developed a strong presence and reputation with its brands 1xBet in the global online gambling market, as evidenced by the numerous sponsorship agreements signed with top sports organizations. For example, in July 2019, FC Barcelona announced that it had signed a partnership with Complainant, naming the company as the team's new global partner.

In 2019, Complainant became the FC Liverpool´s official global betting partner.

During May 2022, esports organisation OG Esports announced that the company had signed a sponsorship deal with Complainant. The agreement names 1xBet as OG's official betting sponsor.

Complainant also operates a website under the domain name: <1xbet.com>, which includes Complainant's 1XBET trademark. 1xBET uses this domain name to resolve to its online betting websites.

The Complainant owns several trademark registrations for the mark 1XBET as a word mark and figurative mark in a number of jurisdictions.

All 1XBET trademarks predate the registration date of the disputed domain name of April 21, 2022.

Complainant states that the disputed domain name, <1xbetinbd.com> fully incorporates the Complainant's registered and well-known trademark 1XBET. Moreover, the addition of the English preposition “in” and of the geographical term “bd” which is an abbreviation for Bangladesh would and not prevent a finding of confusing similarity with the mark under the first element.

The disputed domain name is therefore in the view of Complainant confusingly similar to the Complainant’s 1XBET trademarks.

The disputed domain name was registered on April 21, 2022, many years after the first registrations of the Complainant’s 1XBET trademarks.

The Respondent's contact details appear to be false in the view of Complainant, in particular the telephone number consisting of a repeated sequence of numbers "43" as well as the name of the entity/individual consisting of an apparently random combination of words "astana xandino ahmata leleman" indicate that this may not be the Respondent's real name.

The Complainant states that he has not licensed or authorized the Respondent to register or use the disputed domain name, nor is the Respondent affiliated to the Complainant in any form.

There is no evidence that the Respondent is known by the dispute domain name or owns any corresponding registered trademarks.

The Complainant states that the Respondent is also masking its identity on the publicly available Registrar’s WhoIs regarding the disputed domain name. It appears that the Respondent is aiming at hiding its true identity rather than being known by the disputed domain name. The use of false contact details emphasises this.

The Respondent has not been using, or preparing to use, the disputed domain name in connection with a bona fide offering of goods and services, nor making a legitimate non-commercial or fair use of the disputed domain name.

Complainant states that the structure of the disputed domain name – incorporating in its second level portion the 1XBET trademark and the term “inbd” reflects the Respondent’s intention to create an association, and a subsequent likelihood of confusion, with the Complainant, its 1XBET trademarks, and its business conducted under the same, in Internet users’ mind. By reading the disputed domain name, incorporating the 1XBET trademark and terms referring to the name of country, Internet users may be falsely led to believe that the disputed domain name is directly connected, authorized by or endorsed by the Complainant. However, it is not the case. The website associated with the disputed domain name has not been authorized or approved by the Complainant.

The content of the website associated with the disputed domain name is in the view of Complainant intended to imply a direct association with Complainant and its 1XBET trademarks. The website associated with the disputed domain name prominently and repeatedly quotes the 1XBET word and figurative marks. In addition, the website does not clearly identify the person operating the website and its relationship to the Complainant.

For the foregoing reasons, the Complainant states that the Respondent has no rights or legitimate interests in respect of the disputed domain name, within the meaning of the Paragraphs 4(a)(iii) and (4)(c) of the Policy.

The Respondent registered the disputed domain name many years after the first registrations of the Complainant’s 1XBET trademark (2015) and after introduction of the 1xBET brand (in 2007). 1XBET trademarks are in the view of the Complainant widely known.

Moreover, the Complainant states that his trademark 1xBET has an online gambling and betting company with the overwhelming presence online. It is very active online through its official website to promote its brand and services. By conducting a simple online search on popular search engines for the term "1xbet", the Respondent would have inevitably learned about the Complainant, its

mark and its business.

Furthermore, the Complainant points out, that the registration of the disputed domain name, contains in their second level portion the trademark 1XBET and is intended to create a direct association with the 1xBET group, the Complainant's 1XBET trademarks, and the Complainant's domain name <1xbet.com>. The structure of the disputed domain name shows in the view of the Complainant that the Respondent registered it with the Complainant and its trademarks in mind. It reflects the Respondent's clear intent to create an association and subsequent likelihood of confusion with the Complainant's trademark in the minds of Internet users. By reading the disputed domain name, Internet users may believe that it is directly affiliated with or authorized by the Complainant. The Respondent registered the disputed domain name to take advantage of the Complainant's well-known trademark. In similar circumstances, it has been held that "the Respondent had the Complainant's trademark in mind when it registered the disputed domain name".

Moreover, the disputed domain name resolves to website repeatedly quoting the Complainant’s 1XBET trademarks. It further shows in the mind of Complainant that, at the time of the registration of the disputed domain name, the Respondent acquired it very likely with the intent to later use it in connection to the 1XBET trademarks.

The disputed domain name incorporates the 1XBET trademarks and terms that refer to the country of interest, i.e. “1xbet in Bd” meaning “1xbet in Bangladesh”. It resolves to website repeatedly displaying the 1XBET trademarks. This reference to the 1XBET trademark aims in the view of Complainant at attracting the Internet users’ attention and infer that the website is affiliated to the Complainant, which is not the case. Such use of the disputed domain name creates a likelihood of confusion in Internet users’ mind and may lead them to attempt contacting the person operating the website to purchase services. Thus, the use of the disputed domain name might generate revenues for the Respondent. The Complainant states that such gain would be unfairly obtained: the Respondent may sell services unrelated to 1XBET services, by capitalizing on the fame of the Complainant and its 1XBET trademark. It shows that the Respondent registered and uses the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant’s trademark as to the source, sponsorship, affiliation, or endorsement of such website.

Bad faith (in both registration and use) is further documented in the view of Complainant by the likely use of Respondent's false registration information to conceal Respondent's true identity.

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

1. Identical or Confusingly Similar

The Panel finds that the Complainant has established rights over the trademark 1XBET based on the trademark registration and the related trademark certificates submitted as annexes to the Complaint.

In the case at hand, the Complainant's trademark 1XBET is entirely reproduced at the beginning of the disputed domain name, with the mere addition of the English preposition "in" and of the geographical term "bd" which is an abbreviation for Bangladesh would not prevent a finding of confusing similarity with the mark under the first element. The gTLD ".com" is commonly disregarded under the first element confusing similarity test.

As found in a number of prior cases decided under the Policy, where a trademark is recognizable within a domain name, the addition of generic or descriptive terms or letters does not prevent a finding of confusing similarity under the first element.

Therefore, the Panel finds that the Complainant has proven that the disputed domain name is confusingly similar to a trademark in which the Complainant has rights according to paragraph 4(a)(i) of the Policy.

2. Rights or Legitimate Interests

Complainant made clear, that the Respondent has no relationship whatsoever with the Complainant or its trademark 1XBET and is not commonly known by the disputed domain name. The Complainant also stated that he has not licensed or authorized the Respondent to register or use the disputed domain name, nor is the Respondent affiliated to the Complainant in any form. There is no evidence that the Respondent is known by the dispute domain name or owns any corresponding registered trademarks. The Respondent has also not been using, or preparing to use, the disputed domain name in connection with a bona fide offering of goods and services, nor making a legitimate non-commercial or fair use of the disputed domain name. The Respondent is therefore not making any legitimate non-commercial or fair use of the disputed domain name. The Respondent also did not respond. When a respondent remains completely silent in the face of a prima facie case that it lacks any rights or legitimate interests in respect of a domain name, a complainant is generally deemed to have satisfied paragraph 4(a)(ii) of the Policy. Here the Complainant has presented an abundance of evidence to show that the Respondent has no plausible right or legitimate interest in respect of the disputed domain name and the Panel so finds. Therefore, the Panel finds that the Complainant has satisfied the second element of the Policy.

3. Registered and Used in Bad Faith

Paragraph 4(a)(iii) of the Policy requires that the Complainant prove that the disputed domain name was registered and is being used by the Respondent in bad faith.

The Respondent registered the disputed domain name many years after the first registrations of the Complainant's 1XBET trademark (2015) and after introduction of the 1xBET brand (in 2007). 1XBET trademarks are, in the view of Complainant, widely known.

Moreover, the Complainant stated that his trademark 1xBET has an online gambling and betting company with the overwhelming presence online. It is very active online through its official website to promote its brand and services. By conducting a simple online search on popular search engines for the term "1xbet", the Respondent would have inevitably learned about the Complainant, its mark and its business. Furthermore, the brand of Complainant is reproduced on the website of the disputed domain name.

The Panel agrees with the Complainant: Given the distinctiveness of the Complainant's trademark and reputation and long use, the Panel finds that the Respondent has registered the disputed domain name with full knowledge of the Complainant's trademark 1XBET, and therefore could not ignore the Complainant.

Furthermore, the Complainant points out, that the registration of the disputed domain name, contains in their second level portion the trademark 1XBET and is intended to create a direct association with the 1xBET group, the Complainant's 1XBET trademarks, and the Complainant's domain name <1xbet.com>. The structure of the disputed domain name shows that the Respondent registered it with the Complainant and its trademarks in mind. It reflects the Respondent's clear intent to create an association and subsequent likelihood of confusion with the Complainant's trademark in the minds of Internet users. By reading the disputed domain name, Internet users may believe that it is directly affiliated with or authorized by the Complainant. The Respondent registered the disputed domain name to take advantage of the Complainant's known trademark.

Moreover, the disputed domain name resolves to website repeatedly quoting the Complainant's 1XBET trademarks. It further shows that, at the time of the registration of the disputed domain name, the Respondent acquired it very likely with the intent to later use it in connection to the 1XBET trademarks.

The disputed domain name incorporates the 1XBET trademarks and terms that refer to the country of interest, i.e. "1xbet in Bd" meaning "1xbet in Bangladesh". It resolves to a website repeatedly displaying the 1XBET trademarks. This reference to the 1XBET trademark aims at attracting the Internet users' attention and infer that the website is affiliated to the Complainant, which is not the case. Such use of the disputed domain name creates a likelihood of confusion in Internet users' mind and may lead them to attempt contacting the person operating the website to purchase services. Thus, the use of the disputed domain name might generate

revenues for the Respondent. It shows that the Respondent registered and uses the disputed domain name primarily with the intention of attempting to attract, for commercial gain, Internet users to its website, by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of such website.

Bad faith is further documented by the likely use of Respondent's false registration information to conceal Respondent's true identity.

Consequently, the Panel concludes that the Respondent has registered and is using the disputed domain name in bad faith.

Therefore, the Panel finds that the Complainant has also proven the requirement prescribed by 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. **1xbetinbd.com**: Transferred

PANELLISTS

Name	**Jan Schnedler**

DATE OF PANEL DECISION 2024-05-28

Publish the Decision