Decision for dispute CAC-UDRP-106766

Case number	CAC-UDRP-106766
Time of filing	2024-08-08 12:16:02
Domain names	sportingbet-casino.top

Case administrator

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

Complainant

Organization	Entain plc

Complainant representative

Organization	Stobbs IP

Respondent

Name

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 Panel was able to establish the existence of some of the earlier registered trademark rights on which the Complaint relied. It should however be noted that the Panel considers it to be highly unusual that all the documentary evidence provided by the Complainant was uploaded in one single file of 148 pages instead of either defining the different annexes and the types of evidence involved and uploading each separately, or at least indexing the contents in order to facilitate access to the 14 annexes contained in that one file. However, it is even more unusual to not provide any documentary evidence at all of the registered trademark rights on which the Complaint is based, but instead to include a number of links to trademark registers in the document describe above, of which the majority was unresponsive. While the current Panel has proceeded to issue a decision on the basis of the information available to it, it is all but certain that future Panels will accept documentation of this type as adequate or sufficient. For the reasons set out below, it is not necessary to set out any of the trademark registrations in the name of Entain Operations Limited at this point.

FACTUAL BACKGROUND

The Complainant contends the following:

The Complainant is an international sports-betting and gaming group, operating both online and in the retail sector. The Complainant was incorporated in Luxembourg in 2004 as Gaming VC Holdings S.A. The Complainant 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 (Company No.

004685V). For the relevant financial year ending 31 December 2021, the Complainant's underlying operating profit for the online gaming business was £484 million.

The Complainant has a comprehensive portfolio of established brands; its "Sports Brands" include BWIN, CORAL, CRYSTALBET, EUROBET, LADBROKES, NEDS INTERNATIONAL and SPORTINGBET. The Complainant's "Games Brands" include CASINO CLUB, FOXY BINGO, GALA, GIOCO GITITALE, PARTYPOKER and PARTYCASINO.

The Complainant has traded on the Alternative Investment Market (AIM) of the London Stock Exchange (LSE) since 24 May 2010 and as of 20 October 2021, has a market capitalisation value (the market value of a company's outstanding shares) of £12.7 billion. The United Kingdom is the Complainant's core market and accounts for a significant portion of sales, with other key markets being the European Union and Australia.

Entain Operations Limited, the Complainant's subsidiary owns extensive rights in the figurative and word marks associated with SPORTINGBET including, but not limited to, the trade mark registrations supposedly attached to the Complaint.

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.

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 Panel has not examined whether the Complainant has 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 Panel has not examined whether the Complainant has 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 Panel has not examined whether the Complainant has 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

The information put forward by the Complainant as the factual basis on which the case rests needs to be examined with a view to establishing the existence of and ownership in such earlier rights on which to base a decision. As has already been explained, the evidence provided by the Complainant was highly unusual and may not satisfy the minimum standards required by most Panels. The Complainant, Entain plc, relies entirely on various trademark registrations in the name of Entain Operations Limited.

However, the examination of the evidence filed with the Complaint shows that it does not provide evidence for the assertions made by the Complainant. It is stated that the Complainant is an international sports-betting and gaming group, operating both online and in the retail sector which was incorporated in Luxembourg in 2004 as Gaming VC Holdings S.A. The only "evidence" provided for this assertion is a copy of the Complainant's own website. The further assertion that the Complainant 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 (Company No. 004685V)

was supported by no additional evidence at all. There is therefore no official document or register extract to provide evidence of the legal nature of the company or companies and the relationships claimed.

The Complainant further contends that Entain Operations Limited, the Complainant's subsidiary, owns extensive rights in the figurative and word marks associated with SPORTINGBET including, but not limited to, the trade mark registrations attached to the Complaint. Again, it fails to provide sufficient evidence of the existence of a link between the proprietor of the earlier rights which may exist and the Complainant. The single reference to the proprietor of these rights in the evidence provided is part of the Financial Statement for the Year 2021, where the registered proprietor is named as a wholly owned subsidiary on page 201. However, this provides no evidence of the fact that the registered proprietor of the trademarks claimed by the Complainant is in fact still owned or controlled or in some other relationship to the Complainant which creates rights on which the Complainant may rely on in a Complaint based on the existence of earlier registered trademark rights.

Additionally, it is noted that the Financial Statements provided commences at page 152 of the document with no indication of validity, transactional history, etc., strategic plans of the group or particular group companies, which may have been laid out in the preceeding 151 pages.

Overall, the documents uploaded by the Complainant in support of the Complaint do not include sufficient evidence to prove either the incorporation of the Complainant, the Complainant's rights in the claimed earlier trademarks or the relationship to the registered proprietor as claimed by the Complainant.

For that reason alone, the Complaint must be dismissed without prejudice to the material issues to be addressed under Article 4(a) of the Policy under a possible further complaint filed in this matter.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Rejected

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

1. **sportingbet-casino.top**: Remaining with the Respondent

PANELLISTS

Name	**Udo Pfleghar B.A. (Melb.)**

DATE OF PANEL DECISION 2024-09-23

Publish the Decision