Decision for dispute CAC-UDRP-106879

Case number	CAC-UDRP-106879
Time of filing	2024-09-20 09:24:20
Domain names	1xbeteg.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	Navasard Limited

Complainant representative

Organization	Sindelka & Lachmannová advokáti s.r.o.

Respondent

Name	Andrey Skalev

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 numerous trademark registrations for the mark 1XBET as a word mark and figurative mark in various jurisdictions such as:

- European Union trademark No. 013914254 (word) registered on July 27, 2015;

- European Union figurative trademark 017517327 registered on March 7, 2018;

- European Union figurative trademark 017517384 registered on March 7, 2018; and

- International figurative trademark No. 1673399 registered on 02.05.2022 and designating inter alia Egypt.

FACTUAL BACKGROUND

The Complainant is the owner of 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.

1xBet Betting Company is an active sponsor of the top football tournaments – 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. The Complainant has developed a strong presence and reputation 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 1xBet, naming the company as the team's new global partner. In 2019, 1xBET became the FC Liverpool´s official global betting partner. In May 2022, e-sports organisation OG Esports announced that the company signed a sponsorship deal with 1xBet, in which 1xBet is named as OG's official betting sponsor. 1xBET 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.

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

According to Paragraph 4(a) of the Policy, the Complainant is required to prove each of the following three elements to obtain an order that the disputed domain name should be transferred or cancelled:
(i) the disputed domain name is identical or confusingly similar to a trademark or service mark in which the Complainant has rights; and
(ii) the Respondent has no rights or legitimate interests in respect of the disputed domain name; and
(iii) the disputed domain name has been registered and is being used in bad faith.

The Panel has examined the evidence available to it and has come to the following conclusion concerning the satisfaction of the three elements of paragraph 4(a) of the Policy in these proceedings:

RIGHTS

The Complainant has established rights in the name 1XBET. The disputed domain name <1xbeteg.com> is confusingly similar to the Complainant’s trademark. This finding is based on the settled practice in evaluating the existence of a likelihood of confusion of:
a) disregarding the top-level suffix in the domain names (i.e. “.com") in the comparison; and
b) finding that the simple addition of a generic or in this case geographic term or abbreviation such as "eg" (for "Egypt") would not be considered sufficient to distinguish a domain name from a trademark, especially when the website published under the disputed

domain name directly refers to the country and states that "1xBet Egypt offers its services....". This makes the geographic abbreviation "eg" purely descriptive of the target market to which the services under 1XBET trademarks are to be offered.

The disputed domain name is therefore found to be confusingly similar to the earlier rights in the name 1XBET and the Panel concludes that the Complainant has satisfied the requirement under paragraph 4(a)(i) of the Policy.

NO RIGHTS OR LEGITIMATE INTERESTS

The onus to make out a prima facie case that the Respondent lacks rights or legitimate interests is on the Complainant. However, once such a prima facie case is made, the Respondent carries the burden of demonstrating rights or legitimate interests in the disputed domain name. If the Respondent fails to do so, the Complainant is deemed to have satisfied paragraph 4(a)(ii) of the Policy.

The Respondent has no rights or legitimate interests in the disputed domain name. The Complainant and the Respondent have never had any previous relationship, nor has the Complainant ever granted the Respondent any rights to use the 1XBET trademark in any form, including in the disputed domain name. The disputed domain name resolves to a live website which impersonates and passes itself off as the Complainant's website. It prominently displays the 1XBET trademark and purports to promote and offer bonuses for 1XBet or a downloadable application related to the Complainant's business. It also creates the false impression that it is the official local Egyptian website of the Complainant, which is not the case. This is not only due to the use of the country name in the disputed domain name itself, but also due to the content of the website. It states that "1xBet Egypt offers its services under the operating and regulatory license issued by one of the largest and most famous regulatory bodies in the world, the Curacao Gaming and Gambling Commission. ...", thus attempting to create the false impression that this website is operated, affiliated or endorsed by the Complainant. The Respondent is using the disputed domain name and the infringing Website to engage in illegal activities, in particular to impersonate the Complainant and to pass off its services as those of the Complainant. This finding is further supported by the fact that the Respondent has improperly concealed its identity in order to avoid being contacted.

A bona fide offering or good faith use of the disputed domain name cannot be detected. There is no available evidence that the Respondent engages in, or has engaged in any activity or work, i.e., legitimate or fair use of the disputed domain name, that demonstrates a legitimate interest in the disputed domain name, so that there is nothing that could be interpreted as rights or legitimate interests of the Respondent.

The Respondent was given an opportunity to present arguments relating to rights or legitimate interests in the disputed domain name but has failed to do so. This behavior, coupled with use of the disputed domain name to impersonate the Complainant in order to divert business demonstrates the Respondent's absence of rights or legitimate interests in respect of the disputed domain name.

The Panel therefore concludes that the Respondent did not refute the Complainant’s prima facie case and has not established any rights or legitimate interest in the disputed domain name (within the meaning of paragraph 4(a)(ii) of the Policy). The Complainant has therefore also satisfied the requirement under paragraph 4(a)(ii) of the Policy.

BAD FAITH

The Panel finds that the Complainant has established that the disputed domain name was registered and is being used by the Respondent in bad faith.

The name 1XBET is distinctive and well known in numerous countries through extensive advertising and sponsoring measures as well es actual market presence. A most basic Google search in respect of the letter combination 1XBET would have yielded obvious references to the Complainant. There is no evidence at all of any actual or contemplated good-faith use of the disputed domain name.

The Respondent has used the disputed domain name to copy the Complainant's website. Clearly, the goal was to create confusion in the minds of the users. Therefore, this registration can only be viewed as an attempt to exploit the goodwill vested in the trademark by attracting Internet users and confusing them to the extent that they would believe that a website connected to the disputed domain name offers the services of an entity that is affiliated to the Complainant. The Respondent registered the disputed domain name to take advantage of the Complainant's well-known trademark.

No other reason for registering the disputed domain name so closely resembling the name 1XBET appears feasible.

The Panel therefore concludes that the Respondent has registered and is using the disputed domain name in bad faith (within the meaning of paragraph 4(a)(iii) of the Policy). The Complainant has therefore also satisfied the requirement 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. **1xbeteg.com**: Transferred

PANELLISTS

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

DATE OF PANEL DECISION 2024-10-29

Publish the Decision