Decision for dispute CAC-UDRP-107232

Case number	CAC-UDRP-107232
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Domain names	1xbets-ar.com

Case administrator

Name	Olga Slanařová (Case admin)

Complainant

Organization	NAVASARD LIMITED

Complainant representative

Organization	Sindelka & Lachmannová advokáti s.r.o.

Respondent

Name	Pavel Shydlouski

OTHER LEGAL PROCEEDINGS

The Panel is unaware of any pending or decided legal proceedings relating 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 a number of jurisdictions, for instance:

European Union trademark No. 014227681 (word) registered on September 21, 2015;

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

European Union figurative trademark 017517384 registered on March 7, 2018.

International trademark No. 1669925, registered on April 6, 2022 and designating inter alia United States).

FACTUAL BACKGROUND

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

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 (hereinafter also referred to as "1xBET"). 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. Furthermore, 1xBet promotes responsible gambling on its website.

1xBET has become one of the world's leading betting companies. This 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. 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.

1xBET 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.

During May 2022, esports organisation OG Esports announced that the company had signed a sponsorship deal with 1xBet. The agreement names 1xBet 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.

The disputed domain name was registered on January 19, 2024.

PARTIES CONTENTIONS

COMPLAINANT

1. THE DISPUTED DOMAIN NAME IS IDENTICAL OR CONFUSINGLY SIMILAR TO A TRADEMARK OR SERVICE MARK IN WHICH THE COMPLAINANT HAS RIGHTS

The disputed domain fully incorporates the Complainant's registered trademark “1XBET”.

The addition of the geographical term "ar", which may be either the two-letter abbreviation of Argentina and also the ccTLD of that country would not prevent a finding of confusing similarity with the mark under the first element.

The presence of the generic Top-Level Domain (gTLD) “.com” in the first level portion of the disputed domain name is a standard registration requirement and may be disregarded when assessing whether the disputed domain name is confusingly similar to the trademark in which the Complainant has rights.

The disputed domain name is therefore confusingly similar to the Complainant’s “1XBET” Trademarks.

2. THE RESPONDENT HAS NO RIGHTS OR LEGITIMATE INTERESTS IN RESPECT OF THE DISPUTED DOMAIN NAME

The disputed domain name was registered on January 19, 2024 many years after the first registrations of the Complainant’s “1XBET” Trademarks.

The Complainant 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 any of the dispute domain name or owns any corresponding registered trademarks.

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.

The structure of the disputed domain name – incorporating in its second level portion the “1XBET” trademark in plural and the geographic term “AR” 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 the term referring to the country, Internet users may be falsely led to believe that the disputed domain name is directly connected to, authorized by or endorsed by the Complainant. However, it is not the case. The disputed domain name has not been authorized or approved by the Complainant.

In the present case, the Respondent has aimed at making Internet users believe that the disputed domain name is directly linked to, or operated by, the Complainant.

For the foregoing reasons, 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.

3. THE DISPUTED DOMAIN NAME WAS REGISTERED AND IS USED 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), as results the “1XBET” trademarks are widely known.

Moreover, the Complainant 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, as the majority of the results relate to the Complainant, its business, its website, or related topics. In addition, the Respondent is domiciled in Poland, a country where the Complainant's EU trademarks are registered.

Furthermore, as noted above, the registration of the disputed domain name - which contains in its second level portion the well-known 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. In addition, the website associated with the disputed domain name, available at https://1xbets-ar.com/ ("Infringing Website"), prominently features the name "1xbet" and uses similar colour schemes and layouts, which could suggest a shared brand identity with the Complainant and its website <1xbet.com>.

Finally, the Infringing Website explicitly states that it is the Complainant's official website in Argentina (see "1xbet Página Oficial en Argentina") and contains the Complainant's official contact information: https://1xbets-ar.com/soporte/ which increases the likelihood of its mistaken affiliation with the Complainant.

The Respondent registered the disputed domain name to take advantage of the Complainant's well-known trademark.

In view of the above facts, the Respondent has registered the disputed domain name in bad faith.

The disputed domain name incorporates the “1XBET” trademarks and terms that refer to the country of interest, i.e. Argentina. It resolves to Website repeatedly displaying the “1XBET” trademark and aiming at mimicking the Complainant’s official website at “1xbet.com”. 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. Such gain would be unfairly obtained: the Respondent may sell services unrelated to the Complainant’s 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. This conclusion is supported by the domain name case law.

The overall described circumstances are clear demonstration of the registration and use of the disputed domain name are in bad faith.

In view of the above, the Complainant’s conduct falls within the meaning of Paragraph 4(a)(iii) of the Policy.

RESPONDENT

No administratively compliant Response has been filed.

RIGHTS

To the satisfaction of the Panel, the Complainant has shown that the disputed domain name is identical or confusingly similar to the trademark in which the Complainant has rights (within the meaning of paragraph 4(a)(i) of the Policy).

NO RIGHTS OR LEGITIMATE INTERESTS

To the satisfaction of the Panel, 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

To the satisfaction of the Panel, 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 have been met, and there is no other reason why it would be unsuitable to provide the Decision.

PRINCIPAL REASONS FOR THE DECISION

1. Identical or Confusingly Similar

First, the Panel is satisfied that the Complainant has shown its rights in the "1XBET" trademarks since 2015, and evidence was provided proving this.

Turning to analyze whether the disputed domain name and the trademark are confusingly similar, the Panel notes, based on the record at hand, that the disputed domain name almost reproduces the trademark in its totality, namely "1XBET", with the addition of the letter "S" following the trademark, as well as the addition of "AR" with a hyphen separating both elements.

The addition of these two elements, namely the letter "S", could be considered a reference to plural or a case of typosquatting, a practice whereby a domain name registrant deliberately introduces typographical errors or misspellings into a trademark when registering the domain name. In addition, the letters "AR" which appear to be a reference to the two-letter abbreviation of Argentina and also the ccTLD of that country, ultimately is inconsequential to the appearance of confusing similarity with the Complainant's trademark.

On the balance of probabilities, these elements enhance the appearance of confusing similarity since they appear to indicate a relationship with the Complainant.

Nevertheless, an extended analysis of this will be conducted under the elements below, but suffice to say that in what relates to the first element, the slight differences are immaterial and, therefore, insufficient to dispel the confusing similarity between the trademark and the disputed domain name. Similarly, as mentioned earlier, the second element of the disputed domain name may even enhance the confusing similarity, as discussed below.

Consequently, the Panel determines that the Complaint has satisfied the Policy's first element set under paragraph 4(a)(i).

2. Rights or Legitimate Interests

Based on the evidence on record and acknowledging that the Respondent failed to produce any allegations or evidence necessary to demonstrate its rights or legitimate interests in the disputed domain name, the Panel must turn to the uncontested facts.

The uncontested facts indicate that a) the Respondent has no license or authorization to use the trademarks; b) the Respondent is not related to the Complainant; c) the Respondent is not commonly known by the disputed domain name; d) the Respondent does not own any corresponding registered trademarks; e) 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; f) the Respondent is not authorized to carry out any business activity for the Complainant; and g) the structure of the disputed domain name – incorporating in its second level portion the “1XBET” trademark in plural and the geographic term “AR” reflects the Respondent’s intention to create an association, and a subsequent likelihood of confusion, with the Complainant, its “1XBET” trademarks.

Based on the above, the record at hand, and on the balance of probability, and considering that the Respondent has failed to respond to the Complainant's contentions, the Respondent has consequently not rebutted the prima facie case, as described in paragraph 2.1 of WIPO 3.0 Overview.

The above fact pattern, on the balance of probabilities, and in conjunction with the use of the element "AR" in the disputed domain name, indicates, if nothing else, a likely intention to confuse Internet users with a likely implied association with the Complainant by appearing to be a formal channel of the Complainant, perhaps by referencing the ccTLD of Argentina, which is explicitly referred to in the content of the website as further analyzed under the third element.

The evidence on record leads the Panel to conclude that the Respondent did not have rights or legitimate interests in the disputed domain name.

Consequently, the Panel determines that the Respondent has no rights or legitimate interests in the disputed domain name. Subsequently, the Complainant has fulfilled the second requirement set under paragraph 4(a)(ii) of the Policy.

3. Registered and Used in Bad Faith

Per the record and evidence, the Panel finds that the Respondent was likely aware of the Complainant and had the Complainant's trademark in mind when registering the disputed domain name. This is further reinforced by the fact that the "1XBET" trademarks predates the registration of the disputed domain name. The global reputation of the "1XBET" mark indicates that the Respondent knew or should have known through a simple search about the Complainant's rights when registering the disputed domain name.

Additionally, this conclusion is supported by the fact that the Respondent seems to evoke a connection to the Complainant's trademark by including the element "AR" in the disputed domain name, which appears to be an active effort by the Respondent to be a formal channel of the Complainant, by referencing what seems to be the ccTLD of Argentina, which in fact this specific reference is included in the content of the website. Without further explanation from the Respondent, this appears to misrepresent a link between the disputed domain name and the Complainant. In this case, as the record supports, the Respondent appears to have targeted the Complainant on the balance of probabilities.

All the preceding analysis leaves the Panel no other option than to conclude that the most likely intention of the Respondent was to intentionally attempt to attract, for commercial gain, Internet users to its website/disputed domain name by creating a likelihood of confusion with the Complainant's trademark as to the source, sponsorship, affiliation, or endorsement of the Respondent's website and/or disputed domain name, as per illustrated under paragraph 3.1 of WIPO 3.0 Overview.

In light of the case's circumstances, based on the available records, the Panel finds that the Complainant has proven that the disputed domain name was registered and is used in bad faith according to paragraph 4(a)(iii) of the Policy.

4. Decision

For the preceding reasons and in concurrence with the provisions specified under Paragraph 4(i) of the Policy and Paragraph 15 of the Rules, the Panel orders the transfer of the disputed domain name to the Complainant.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **1xbets-ar.com**: Transferred

PANELLISTS

Name	**Rodolfo Rivas Rea**

DATE OF PANEL DECISION 2025-02-05

Publish the Decision