Decision for dispute CAC-UDRP-107231

Case number	**CAC-UDRP-107231**
Time of filing	**2025-01-10 10:32:33**
Domain names	**melbet-uz.bet**

Case administrator

Name	**Olga Slanařová (Case admin)**

Complainant

Organization	**Batnesto Ltd**

Complainant representative

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

Respondent

Organization	**Njalla Okta LLC**

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's case is based on the following trademark registrations:

1. Peruvian trademark registration no. S00149219 "MELBET" (with design), filed on 8 June 2023 and registered on 10 August 2023 for various services in class 41;
2. Burundian trademark registration no. 10242/BI "MELBET" (with design), filed on 9 November 2022 and registered on 15 November 2022 for various services in classes 35, 41, and 42;
3. Mauritius trademark registration no. 34042/2023 "MELBET" (with design), filed and registered on 9 November 2022 for various services in classes 35, 41, and 42;
4. Costa Rica trademark registration no. 325206 "MELBET" (with design), filed on 18 March 2024 and registered on 10 July 2024 for various services in classes 35, 41, and 42;
5. Dominican Republic trademark registration no. 314390 "MELBET" (with design), filed on 27 June 2024 and registered on 18 September 2024 for various services in classes 35, 41, and 42;
6. European Union trademark registration no. 019060714 "MELBET" (word), filed on 29 July 2024 and registered on 9 November 2024 for various goods and services in classes 9, 16, 21, 25, 28, and 30.

The Complainant also alleges common law trademark rights in the word and figurative “MELBET” mark in relation to online betting and casino services.

The disputed domain name was registered on 9 September 2024. The registration dates of Complainant’s trademarks nos. 1 through 4 above and the application dates (though not the registration dates) of Complainant’s trademarks nos. 5 and 6 above therefore predate the registration of the disputed domain name.

FACTUAL BACKGROUND

The Complainant owns the domain name <melbet.com> and the various trademark registrations mentioned above. The domain name <melbet.com> and the Complainant’s trademarked “MELBET” logo are currently used for an online betting website which is operated by a third party named “Pelican Entertainment B.V.” with the Complainant’s permission.

The Complainant contends that the Complainant itself and its predecessor companies have been using the “MELBET” name and mark for online betting and casino services since 2012. The Complainant also contends that its “MELBET” brand is well known among the online betting public with more than 400,000 customers who have used the associated online betting services.

The Respondent uses the disputed domain name for a website which prominently displays a slightly modified version of the Complaint’s “MELBET” logo, with the sole difference that the final letter “T” is not yellow (as in the original trademarked logo) but colored in a way that is similar to the official flag of Uzbekistan (blue with white stars and a white crescent, white and green with thin red stripes). The website invites users to “Sign up” or to “Login” and promises a “welcome bonus” for newly created accounts. The texts on the website include statements such as “Melbet Uzbekistan: up to 125% deposit bonus and 30 FS await you for registering!” or “Melbet is a modern gaming club that offers its users bookmaker rates and casino services from Uzbekistan. The site has 30+ sports with live and prematch lines, a totalizer, more than 5,000 slot machines, generous bonuses and daily tournaments. Register on the site quickly and get a generous welcome bonus of up to 120% for your first deposit!”

The website footer under <melbet-uz.bet> claims that the operator of this website is “Pelican Entertainment B.V.” (i.e., the company operating the official MELBET website under the Complainant’s domain name <melbet.com>). The Complainant contends that this is not correct, and that Pelican Entertainment B.V. has no connection whatsoever to the disputed domain name or to the website for which it is used.

The Complainant contends that the Respondent is not affiliated with nor authorized by the Complainant in any way. The Complainant contends that the Respondent has no rights or legitimate interests in respect of the disputed domain name. The Complainant does not carry out any activity for, nor has any business with the Respondent. Neither license nor authorization has been granted to the Respondent to make any use of the Complainant’s trademark “MELBET”, or to apply for registration of the disputed domain name.

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

The disputed domain name is confusingly similar to the Complainant's trademark "MELBET". The addition of the suffix "-uz" is a descriptive abbreviation of "Uzbekistan" and is not sufficient to escape the finding that the domain name is confusingly similar to the trademark "MELBET". It does not alter the overall impression of the designation as being connected to the Complainant's trademark "MELBET", particularly since the Respondent's website for which the disputed domain name is used evidently targets potential customers in Uzbekistan.

The Panel also finds that the Complainant successfully submitted prima facie evidence that the Respondent has made no use of, or demonstrable preparations to use, the disputed domain name in connection with a bona fide offering of goods or services, nor is the Respondent making a legitimate non-commercial or fair use of the disputed domain name, nor is the Respondent commonly known under the disputed domain name. The Panel accepts the Complainant's contention that the Respondent's use of the disputed domain name amounts to impersonation and passing off. Both the composition of the disputed domain name and the design of the website for which it is used (as described above) clearly indicate impersonation. An impersonation website might be considered an "offering of goods or services", but it is not a bona fide offering. This prima facie evidence was not contested by the Respondent.

The Panel further finds that the Complainant has successfully submitted prima facie evidence that the Respondent has registered and used the disputed domain name in bad faith, namely by intentionally 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 the Respondent's website (paragraph 4(b)(iv) of the Policy). The collection of (i) account creation data and (ii) deposit payments from unsuspecting website users who are led to believe that they are dealing with the Complainant's authorized licensee Pelican Entertainment B.V., when in fact they are providing their data and their deposit payments to the unauthorized Respondent, is a form of commercial gain because it enables the Respondent to potentially misuse the account data and deposits provided by these unsuspecting website users. Again, this prima facie evidence was not contested by the Respondent.

FOR ALL THE REASONS STATED ABOVE, THE COMPLAINT IS

Accepted

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

1. **melbet-uz.bet**: Transferred

PANELLISTS

Name	**Dr. Thomas Schafft**

DATE OF PANEL DECISION 2025-02-19

Publish the Decision